

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30764 of 2023

Arising Out of PS. Case No.-2 Year-2021 Thana- SONO District- Jamui

JAHIR ANSARI Son of Late Jamal Ansari R/o Village - Chai, P.S.- Jhajha,
District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjani Parihar, Adv.

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public Prosecutor
for the State.

2. Petitioner seeks bail, who is in custody since 05.02.2023 in connection with Sono (Charkapathar) P.S. Case No. 02/2021, dated 05.01.2021, for the offences punishable under Sections 304(B) of the IPC.

3. According to prosecution case, the petitioner along with other co-accused persons are alleged to have killed the deceased due to non-fulfillment of the demand of dowry.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has



not committed any offence as alleged in the F.I.R. He further submits that in fact the deceased has died due to typhoid and malaria and the statement of the doctor in paragraph-68 of the case diary shows that the doctor has categorically stated that the deceased has died during course of treatment. The doctor has not found any external or internal injury on the person of the deceased and the viscera report also does not support the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.02.2023.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during course of investigation to suggest the involvement of the petitioner in the present occurrence.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Pranav Kumar, J.M.1st Class, Jamui in connection with Sono (Charkapathar) P.S. Case No. 02/2021, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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