

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50926 of 2023

Arising Out of PS. Case No.-383 Year-2022 Thana- NOKHA District- Rohtas

NAUSHAD ANSARI S/O KADIR ANSARI R/O VILLAGE- KADAWA,
P.S- NOKHA, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr.Mithilesh Kumar Singh, Adv.
For the Opposite Party/s :		Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2023 Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner and Mr. Raghunandan Kumar Singh, learned counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Nokha P.S. Case No. 383 of 2022 registered for the offence under Sections 304(B)/34 of the Indian Penal Code.

The niece of the informant is subjected to assault and torture on account of non-fulfillment of demand of dowry by the petitioner and others and she has finally been done to death for want of dowry.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this 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. He further submits that on bare perusal of the F.I.R., it appears that the family of the deceased was informed by the petitioner on phone and the dead body of the deceased was kept till the arrival of the informant and his family and the informant was present in the cremation of deceased thereafter the present F.I.R. has been instituted against the petitioner on 04.10.2022 after two days without any explanation. He further submits that there is no eye witness to the alleged occurrence and there is general and omnibus allegation against the petitioner and no specific allegation of assault is attributed to him. The petitioner is rotting in judicial custody since 17.03.2022.

Learned A.P.P. for the State as well as learned counsel for the informant on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and the case of the prosecution is supported the medical evident (postmortem report). He further submits that the petitioner happens to be



husband of the deceased and he has committed murder of her wife by strangulating her within one year of marriage. He further submits that number of witnesses have supported the prosecution version.

Considering the facts and circumstances of the case and the rival submission of the parties and the nature of offence, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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