

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50887 of 2019

Arising Out of PS. Case No.-218 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

MD. AJAJ Son of Md. Esha Resident of Village- Aadharpur, Police Station-
Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar
For the Opposite Party/s : Mr.Amit Kumar Rakesh

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 17-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Muffasil Police Station Case No.218 of 2018 registered
under Sections 304(B) and 120(B)/34 of the Indian Penal Code,
pending in the court of the Additional Chief Judicial Magistrate-
V, Samastipur.

The accusation is that the marriage of Chandni
Begum, the sister of the informant Md. Khursheed, was
performed with Md. Sajjad in the year 2009 and due to their
wedlock, there are two female babies, aged about 5 years and 3
years. Thereafter, his sister was being tortured by her husband
Md. Sajjad, who divorced his sister in the year 2016.



Thereafter, Md. Ajaj (petitioner), the younger brother of Md. Sajjad, performed the Nikah with the sister of the informant. Later on, Md. Ajaj (petitioner) made demand of Rs.2,00,000/- from the sister of the informant to do the business and due to non-fulfillment of the said demand, the sister of the informant was being tortured by her husband (petitioner) and other in-laws. Ultimately, the sister of the informant was killed by her husband (petitioner) and other in-laws for non-fulfillment of the dowry demand.

Learned counsel appearing on behalf of the petitioner submits that, admittedly, the petitioner performed the Nikah with the deceased, the sister of the informant, after giving divorce by her elder brother Md. Sajjad and the petitioner has falsely been implicated in this case.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being



prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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