

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66368 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- NAUTAN District- Siwan

Atabuddin Miyan @ Atabudaddin Miyan Son of Nezabuddin Miyan Resident
of Village - Baniya Tola, Kilpur, P.S.- Nautan, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Ranjan Kumar, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner seeks bail in **Nautan P.S. Case No. 47
of 2019**, registered for the offence punishable under Section
304(B) and 34 of the Indian Penal Code.

Informant alleged that his daughter was married with
one Md. Kitabuddin in the year 2014. Out of the said wedlock,
one female child was born. On 20.03.2019, petitioner informed
him that his daughter is not speaking. Thereafter, informant
along with other relatives went to the Sasaral of his daughter
where he found the dead-body of his daughter lying in a room.
Informant further alleged that due to non-fulfillment of demand
of dowry, petitioner along with others killed his daughter.



It is submitted by learned counsel appearing on behalf of petitioner that petitioner is *Dewar* of deceased. Petitioner has no concern with the family affairs of his brother and deceased. It is further submitted that it is surprising enough that husband of the deceased has not been made accused in this case. There is land dispute. From the postmortem report, it appears that there was black mark around the neck of the deceased and the cause of death is asphyxia due to hanging. Petitioner is in custody since 03.08.2019 having clean antecedent.

Learned counsel for the informant vehemently opposed the prayer for bail and submitted that it was the petitioner who was pressurizing the deceased to register the land in his name, which was donated to the deceased by her grand father-in-law.

Considering the facts aforesaid and the fact that petitioner is *Dewar* of deceased, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the **learned Judicial Magistrate Ist Class, Siwan** in connection with **Nautan P.S. Case No. 47 of 2019**, subject to the following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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