

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10459 of 2020

Arising Out of PS. Case No.-309 Year-2019 Thana- BIRAUL District- Darbhanga

ABUL HAYAT Son of Late Wasil Resident of Village - Balha, P.S.- Biraul,
Distt – Darbhanga. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Adv

For the Opposite Party/s : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 01-06-2020 The matter has been taken up through video conferencing.

Heard the parties.

Petitioner seeks bail in a case registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

Allegation against the petitioner is of commission of dowry death of his wife.

Learned counsel for the petitioner submits that in fact the deceased was second wife of the petitioner and came in the life of petitioner during lifetime of the first wife and due to quarrel in the family, she committed suicide. The Doctor has found a case of strangulation. Thereafter, entire allegation has been levelled just to pressurize the petitioner and his family members. Investigation of the case is already complete.

Learned counsel for the State opposed the prayer for



bail.

There is no plausible justification that dowry was demanded from the second wife whereas there was no allegation from the first wife of any such demand by the petitioner.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Biraul Police Station Case No.309 of 2019, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

If the petitioner would not be able in furnishing sureties due to lock-down, he shall be provisionally released on his personal bond and the provisional bail shall be confirmed only after production of the bailors within fifteen days of restoration of normal function of the Court.

(Birendra Kumar, J)

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