

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23774 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- KOTWA District- East Champaran

MD. KALAM S/o Md. Kashim @ Mansuri Mohammad Kashim Resident of
Village- Khemai Patti, P.S.- Minapur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Adv
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-09-2020 Heard Mr. Chandra Shekhar Anand, learned counsel
for the petitioner and Mr. Binod Kumar, Additional Public
Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with
Kotwa PS Case No. 73/2020 registered for the offence
punishable under Sections 304 (B)/34 of the IPC.

3. The allegation against the petitioner as per First
Information Report is that the daughter of the informant was
married to son of the petitioner, namely, Saif Ali in the year
2019. It is further alleged that on 04.03.2020, there was
marriage ceremony of son of informant where this petitioner
along with his son (Saif Ali) and daughter of informant
participated. It is also alleged that this petitioner and the son-in-
law of the informant were demanding a motorcycle as a dowry
and due to non fulfillment of the same, they used to torture the



daughter of the informant and ultimately, she was killed on 05.03.2020 at about 11:00 PM by her husband (Saif Ali) by pressing her neck at the instigation of his father, i.e., the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is father-in-law of the deceased. Learned counsel also submits that from the FIR, it would be evident that the occurrence has taken place in the parental home of the deceased. Learned counsel further submits that the FIR itself discloses that it was co-accused, Saif Ali who pressed the neck of the deceased leading to her death. Learned counsel for the petitioner has also submitted that no overt act has been alleged against the petitioner except general and omnibus allegation of demand of dowry.

5. Having regard to the submissions made by the parties and taking into consideration the material on record, I am inclined to grant regular bail to the petitioner subject to the conditions that petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

6. Accordingly, let the petitioner, MD. KALAM be released on bail, if he is not required in any other case, on



furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-10th, Motihari, East Champaran in connection with Kotwa PS Case No. 73/2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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