

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25513 of 2020

Arising Out of PS. Case No.-189 Year-2019 Thana- AMAUR District- Purnia

1. MD. SHAMSHUDDIN @ SHAMSHUDDIN Son of Late Jalil Resident of Village- Bagdar Idgah Tola, P.S.- Amour, District- Purnia.
2. Rahim @ Abdur Rahim S/o Shamshuddin Resident of Village- Bagdar Idgah Tola, P.S.- Amour, District- Purnia.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nafisuz Zoha, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha,APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-09-2020 . As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Amour PS Case No. 189 of 2019 registered under Sections 304(B)/34. of the IPC.



The prosecution case briefly is that five years back informant's daughter was raped by one Md. Aslam with whom subsequently her marriage was solemnised. It is alleged that thereafter she has been done to death for non fulfilment of dowry demand.

Learned Counsel for the petitioners submits that petitioner No. 1 is father-in-law and petitioner No. 2 is brother-in-law (dewar). Petitioner No. 1 is in custody since 29.12.2019 whereas petitioner No. 2 is in custody since 11.2.2020. Their implication is merely because of their relationship. After marriage of the victim, she along with her husband was residing separately from the instant petitioners. The petitioners have no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Purnea in Amour PS Case No. 189 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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(Madhuresh Prasad, J)

