

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34082 of 2020**

Arising Out of PS. Case No.-77 Year-2020 Thana- POTHIA District- Kishanganj

TAIYAB ALI @ MD.TAYAB ALI Son of Masetullah Resident of Shekhpura
Donkpul, P.S.- Pothia, District- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Singh, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-12-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Yogendra Kumar Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Pothia P.S. Case No. 77 of 2020 registered
for the offences punishable under Section 304B and 34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is father-in-law of the deceased. The deceased was
second wife of Abdus Salam and as per the First Information
Report there are general and omnibus kind of allegations against
altogether nine named accused who are all members of the



family. It is submitted that from the F.I.R. itself it would appear that the daughter of the informant had committed suicide by hanging herself and in course of post-mortem no anti-mortem injury has been found on her body. There was no sign of assault. Learned counsel submits that the husband of the deceased is already in jail and so far as this petitioner is concerned he was living separately in mess and business from his son and no specific role has been assigned to this petitioner in the alleged occurrence, he is in jail in connection with this case since 13.06.2020, investigation against him is complete and he is ready to abide by the terms and conditions which may impose by this court for purpose of bail.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case wherein this petitioner is the father-in-law, there are general and omnibus kind of allegations against all the named accused, the impugned order of the learned Sessions Judge though shows that he has gone through the case diary but nothing has been indicated showing any independent witness supporting the case against the petitioner, no anti-mortem injury has been found on the body of the deceased, the petitioner has remained in jail and there is no submission on



behalf of the State that the release of the petitioner on bail at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st, Kishanganj, in connection with Pothia P.S. Case No. 77 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

