

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32728 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- POTHIYA District- Kishanganj

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AARIF S/o Master Resident of Village - Babhangaon, P.S. - Pothia, District - Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Smt. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-12-2020 Heard Mr. Santosh Kumar, learned counsel for the petitioner and Smt. Nirmala Kumari, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Pothia P.S. Case No. 17 of 2020 registered for the offences punishable under Sections 304(B), 120(B) and 34 of the Indian Penal Code 1860 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016. Subsequently, charge sheet has been submitted vide C.S. No. 33 of 2020 under Sections 304(B), 120(B) and 34 of the Indian Penal Code.

The allegation as per the First Information Report is that daughter of the informant was married to the co-accused Firdaus, son of the petitioner, about 11 months back and after marriage, the petitioner along with other co-accused persons



started demanding dowry of Rs.50,000/- and due to non-fulfillment of the demand, subjected the daughter of the informant with cruelty. It has further been alleged that on 14.01.2020 the informant got knowledge that the co-accused persons including the petitioner killed the daughter of the informant by pressing her neck and by administering poison to her, due to which, she died.

Learned counsel for the petitioner submits that petitioner is father-in-law of the deceased and he has falsely been implicated in this case on the basis of general and omnibus allegation against all the family members. Learned counsel further submits that mother-in-law of the deceased has been granted bail by learned court below by the same impugned order. Learned counsel also submits that from perusal of Annexure-2 which is postmortem report, it would be evident that cause of death of the deceased is cardio respiratory failure and no external injury has been found on the body of the deceased.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that mother-in-law of the deceased has been granted bail by the court below itself, I am inclined to grant regular bail to the



petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, I, Kishanganj, in connection with Pothia P.S. Case No. 17 of 2020.

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

(Anil Kumar Sinha, J)

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