

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13714 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

FARIYAD Son of Najni Haque @ Md Najrul Resident of Village - Moujabari
Kohabasti, P.S. Kochadhaman, District - Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 16-09-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and learned APP 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.

Petitioner seeks bail in connection with Kochadhaman P.S. Case No. 212 of 2020 registered under Sections 304B, 328 and 34 of the Indian Penal Code.

Since 11.10.2020 the petitioner (husband of the



victim) has been in custody. The allegation is that his wife has been administered poison for non-fulfillment of demand for dowry within three months of her marriage.

The petitioner's counsel submits that marriage was solemnized against the wishes of the victim. She, therefore, has committed suicide. Realising his mistake the informant has filed a petition in the Court below stating that he does not want to proceed with this case. The petitions filed in the Court below have been annexed to the bail application here.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner 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 learned Chief Judicial Magistrate, Kishanganj in Kochadhaman P.S. Case No. 212 of 2020, 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.

(Madhuresh Prasad, J)

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