

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23054 of 2021

Arising Out of PS. Case No.-263 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

Masud Alam Son Of Habibur Rahman Resident Of Village- Bagalbari, P.S.-
Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Md. Arif

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Kochadhaman
P.S. Case No. 263 of 2020 registered for the offence punishable
under Section 304(B)/34 of the Indian Penal Code.

Allegation against the petitioner is that petitioner had killed
sister of the informant (petitioner's wife) due to non fulfillment of
dowry demand. As per the F.I.R. the deceased was tortured in her
matrimonial home and killed by gagging her mouth by the accused
person.

It is submitted by learned counsel for the petitioner that
petitioner has falsely been implicated in this case and has not



committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that informant is not the eye witness of the said occurrence. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 07.12.2020.

Learned APP for the State vehemently opposing the bail petition submitted that petitioner is the husband of the deceased and the from perusal of the case diary it indicates involvement of the petitioner to commit the crime of this case.

In the facts and circumstances of the case and considering the fact that petitioner is the husband of the deceased, I am not inclined to grant privilege of bail to the petitioner in connection with Kochadhaman P.S. Case No. 263 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Kishanganj.

Accordingly, the prayer for bail of the petitioner is hereby rejected.

However, the learned trial court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

GAURAV S./-

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