

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37450 of 2021

Arising Out of PS. Case No.-189 Year-2019 Thana- KIUL RAIL P.S. District- Lakhisarai

Md. Aslam Son of Md. Hanif Resident of 33/2, G.T. Road, Risra, P.S.- Risra,
District- Hooghly (W.B.).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 14-12-2021 The applicant/accused in Crime No. 189 of 2019 registered with Kiul (Barahiya) Rail P. S. for the offences punishable under sections 498(A), 304(B) read with Section 34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

It is reported that charge-sheet has already been filed.

The applicant is behind the Bars from 27.2.2021.

Heard the learned counsel for the applicant as well as the learned APP. Perused the material placed before me.

The applicant is brother-in-law of the deceased Akbari Khatoon. His marriage was to be solemnized at Uttar Pradesh and therefore, the family members of the applicant along with his brother Md. Shalim and sister-in-law Akbari Khatoon had been to the Uttar Pradesh for attending marriage. During the



course of return journey to their village Rishra, Akbari Khatoon died while travelling by train. The FIR of this incident which allegedly took place on 18.10.2019 came to be lodged by Md. Ramzan, brother of the deceased on 22.10.2019. Perusal of the FIR shows that the date of marriage is not mentioned. At one point, the first informant is stating that his sister was thrown from the running train by the accused persons. It is alleged that the accused persons were demanding an amount of Rs. 1 lakh and were assaulting the deceased due to non-fulfilment of this demand.

Be that as it may, it is relevant to keep in mind the fact that even as per the FIR, the entire family was returning to their place of residence after solemnizing the marriage of the present applicant and during the course of return journey, the unfortunate incidence of death of Akbari Khatoon took place. The investigation of the crime in question is already over. Prima facie it is seen that the allegations against the applicant are omnibus in nature. Hence, further pre-trial detention of the applicant is not warranted and therefore, the order.

The application is allowed.

The applicant/accused in Crime No. 189 of 2019 registered with Kiul (Barahiya) Rail Police Station is directed to



be released on bail on executing P.R. Bond of Rs. 10,000/- (Ten Thousand) on furnishing sureties of the like amount to the satisfaction of the trial court with the following conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should not repeat the trial in expeditious disposal of the trial against him.

(III) The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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