

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33187 of 2020

Arising Out of PS. Case No.-218 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Md. Ajaj @ Md. Ezaj, Son of Md. Esha @ Mohammad Isha, Resident of
Village - Aadharpur, Police Station - Muffasil, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bijay Bhushan Prasad

For the Opposite Party : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 19-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Samastipur Muffasil P.S. Case No. 218 of 2018, registered for
the offence punishable under Sections 120(B), 304-B/34 of the
Indian Penal Code.

The petitioner is the husband of the deceased, who
is in custody since 19.06.2020. It is alleged in the First
Information Report that the deceased was earlier married to the
petitioner's elder brother and after the said marriage was
dissolved, the petitioner and the deceased got married. It is
further alleged that the petitioner started making demands for
dowry. Subsequently, she died in unnatural circumstances.

Learned counsel appearing on behalf of the



petitioner has submitted that the case of the prosecution does not make out a case of demand of dowry soon before the death of the deceased. He has further submitted that some of the independent witnesses, examined during the course of investigation, have not supported the case of the prosecution of demand of dowry or torture therefor. He has also submitted that the postmortem report does not disclose any ante-mortem injuries.

Learned Additional Public Prosecutor appearing on behalf of the State has opposed the prayer for bail.

Be that as it may, considering the fact that the petitioner is in custody since 19.06.2020 and there is nothing specific collected in course of investigation to demonstrate that there was demand of dowry soon before the death of the deceased, in my opinion, case for grant of regular bail is made out since charge-sheet has been submitted and the petitioner is in custody since 19.06.2020.

Considering the above, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Samastipur, in Samastipur Muffasil P.S.



Case No. 218 of 2018.

(Chakradhari Sharan Singh, J)

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