

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7900 of 2021

Arising Out of PS. Case No.-68 Year-2005 Thana- HARSIDHI District- East Champaran

MUNNA MIAN S/O- MURTUZA MIAN R/O VILLAGE- JAGAPAKAR,
P.S- HARSIDHI, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Ms. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-04-2021 Heard Mr. Dhannjay Kumar No.2, learned counsel for
the petitioner and Mr. Narendra Kumar Singh, learned APP for
the State through video conferencing.

Petitioner seeks regular bail in connection with Trial
No.04 of 2019 arising out of Harisidhi P.S. Case No.68 of 2005
registered for the offence under Sections 498(A), 326, 304(B)
and 307/34 of the Indian Penal Code and Sections 3/4 of the
Dowry Prohibition Act.

The allegation as per the First Information Report is
that the daughter of the informant was married to one Munna
Mian, i.e., the petitioner on 17.05.2004 and after marriage the
petitioner and other family members started demanding dowry
and due to non-fulfilment of dowry demand, the daughter of the
informant was killed by setting her on fire. It has further been



alleged that the daughter of the informant informed in the night that while she was sleeping, mother-in-law poured kerosene oil on her and set her on fire.

Learned counsel for the petitioner submits that the petitioner is the husband of the deceased. Learned counsel further submits that from perusal of the FIR, it would be evident that there is specific allegation against the mother-in-law of the deceased who allegedly set the deceased on fire with the help of kerosene oil and matchstick. Learned counsel further submits that the statement of the deceased was also recorded in the case diary and she specifically disclosed the name of the mother-in-law that she set her on fire. Learned next submits that police after investigation submitted final form against other six accused for trial and learned Magistrate differed with the final form and took cognizance against the petitioner and other accused persons. Learned counsel further submits that the petitioner was outside his village in order to earn his livelihood and he did not receive any summon or warrant and just after coming to know about the present case, the petitioner surrendered before the court below on 22.01.2020 and since then he is in custody. Learned counsel further submits that the mother-in-law of the deceased against whom there is specific



allegation, has been granted bail by this Court in Cr.Misc.No.32900 of 2007 and the father-in-law of deceased having similar allegation has also been granted bail by this Court in Cr.Misc.No.23603 of 2020.

Having regard to the submissions made by the parties and taking into consideration the material available on record and the fact that police after investigation submitted final form not sending the petitioner for trial and further similarly situated co-accused persons, i.e., father of the petitioner has been granted bail by this Court and the petitioner is in custody since 22.01.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the above named petitioner 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 learned Additional Chief Judicial Magistrate, Areraj E. Chamapran at Areraj in connection with Trial No.04 of 2019 arising out of Harisidhi P.S. Case No.68 of 2005 with following condition:-

That petitioner shall remain present on each and every date and in case of his non-appearance of two consecutive dates, his bail bond shall stand automatically cancelled.

It is made clear that at the time of furnishing bail bond



all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

Brajesh Kr./-

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