

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5400 of 2022

Arising Out of PS. Case No.-135 Year-2021 Thana- AMDABAD District- Katihar

Md. Mukhtar S/o- Late Samsuddin R/o- Baluwa, P.S. - Amdabad, Distt. -
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Amdabad P.S. Case No. 135 of 2021 registered
for the alleged offences under Section 304 (B) of the Indian
Penal Code.

As per prosecution case, the informant gave a written
report to the police that the sister of the informant was married
with the petitioner and the petitioner and his family members
caused her dowry death.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. The wife of the petitioner did not want to live in her matrimonial home and due to parental pressure she committed suicide. There is no eye-witness to the occurrence including this informant. No external injury was found on the person of the deceased and postmortem report shows death has been caused by asphyxia due to hanging. It also supports the prosecution case of the petitioner that his wife committed suicide. Learned counsel further submits that all other co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 28.01.2022 passed in Cr. Misc. No. 59146 of 2021. Learned counsel further submits that the prosecution evidence is being recorded in this case and even the informant did not support the prosecution case and the certified copy of the deposition of PW4 Md. Rizwan has been brought on record. Learned counsel further submits that the petitioner is in custody since 09.09.2021. The petitioner is having no criminal history.

Learned APP opposes the prayer for bail submitting that the allegation against the petitioner is that of causing dowry death and the petitioner killed his wife on account of demand of a Bullet motorcycle and some cash.

Perused the records.



From perusal of record, it transpired that a report has been called for from the learned trial court and the said report has been received and it has been submitted by the learned trial court that the matter has been coming up for recording the defense evidence.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the detention period of the custody, the petitioner, I am inclined to grant bail to the petitioner and hence he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Amdabad P.S. Case No. 135 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be



cancelled by the court concerned.

(iv) However, learned trial court is directed to take up the matter on day to day basis except for emergent situations and conclude the trial within two months, the time frame, in which it has submitted the trial would be concluded.

(Arun Kumar Jha, J)

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