

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4332 of 2022

Arising Out of PS. Case No.-35 Year-2021 Thana- PANAPUR District- Saran

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AZIM ALAM, (M), aged about 30 years, Son of Tayab Alam @ Tabab Alam,
Resident of Village - Rasauli, P.s.- Pannapur, Distt.- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Harsh Anuj, Advocate

For the Opposite Party : Mr. Sanjay Kumar Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Panapur P.S. Case No. 35/2021 for the offence registered
under Sections 304(B)/34 of the I.P.C.

The prosecution story, in brief, is that the accused
persons including the petitioner killed the daughter of the
informant due to non-fulfilment of demand of dowry.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
There is no allegation of tampering with the witnesses alleged



against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. Neither there is any eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. The petitioner is the husband of the deceased. The onus is upon the petitioner to explain the cause of death of the deceased.

Considering the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Panapur P.S. Case No. 35/2021, pending in the court of learned Additional Sessions Judge-8, Saran at Chapra.

If the petitioner surrenders in the learned court below and prays for regular bail the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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