

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7164 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- GADHPURA District- Begusarai

1. MD. TAIYAB S/o- Kayamat R/o- Vill. - Gadhpura, PS - Gadhpura, Dist. - Begusarai.
2. Md. Hasmat S/o- Md. Taiyab R/o- Vill. - Gadhpura, PS - Gadhpura, Dist. - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shruti Sinha, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP
For the Informant	:	Mr. Sunil Kumar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-10-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State as well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Gadhpura P.S. Case No. 37 of 2020 registered for the offence under Sections 304(B), 201 and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 06.09.2021.

The allegation against the petitioners is to cause death of daughter of informant along with other family members / co-



accused persons, due to non-fulfillment of demand of dowry.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 is father-in-law, living separately, having no connection with daily domestic affairs of deceased. It is submitted that implication of petitioner no.1 is only for the reason that he is father of the petitioner no.2. Learned counsel for the petitioner further pointed out that it is a case of suicide, which was caused due to family frustration, as deceased failed to adopt the settled discipline of her matrimonial home. It is further pointed out that committing suicide get further strength, as no injuries were noticed over any parts of the body of deceased during medical examination. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that the present occurrence took place, just after 5 months, where, newly wedded wife of petitioner was killed, due to non-fulfillment of demand of dowry. It is apparent from postmortem report that cause of death is “asphyxia due to strangulation”.

Considering the facts and circumstances as mentioned



above, as petitioner no.1, namely, Md. Taiyab, who is father-in-law of deceased, living separately, where, thrust of allegation is against petitioner no.2, who is husband of the deceased, let petitioner no.1, namely, Md. Taiyab, is directed to be released on bail in connection with Gadhpura P.S. Case No. 37 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

Whereas, petitioner no.2, who is husband of the deceased, where, it appears that daughter of informant died in house of petitioner no.2, having, reason of death as “asphyxia due to strangulation”, this Court is not inclined to grant bail to the petitioner no.2, at present.

Accordingly, the prayer of bail of the petitioner no.2 is rejected herewith.

Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within 09 (nine) months from the date of receipt of a copy of this order.

Superintendent of Police, Begusarai, is directed to produced the charge-sheeted witnesses, as and when directed by



the Trial Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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