

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8064 of 2022

Arising Out of PS. Case No.-88 Year-2020 Thana- KORHA District- Katihar

Manjur Ali, Son Of Late Muzaffar Ali, Resident Of Village- Sonbarsa, P.S.
Korha, Dist. Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-07-2022 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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Korha P.S. Case No. 88 of 2020, G.R. No. 738 of 2020 registered for the alleged offences under Sections 302, 304 B, 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

As per prosecution case, the deceased, daughter of the informant, was married with the co-accused son of the petitioner. It was a love marriage. It has been further alleged that the co-accused husband Md. Dulal and this petitioner along with other co-accused persons named in the FIR caused dowry death



of the daughter of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case out of frustration and anger of the informant. Admittedly, it was a love marriage and so, there would not be any occasion of demanding dowry. The informant has levelled general allegations without any substance against the petitioner and other co-accused persons. Learned counsel further submits that it appears that the daughter of the informant went out early in the morning to attend nature's call and thieves over powered her and snatched her earring and nose-pin and might have caused her death. Similarly placed co-accused Biwi Mariyam, the mother-in-law of the deceased, has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.07.2021 passed in Cr. Misc. No. 13791 of 2021. The charge-sheet has been submitted in this case and the petitioner is in custody since 25.12.2020.

Learned APP opposes the prayer for bail submitting that the petitioner is father-in-law of the deceased and he has been named in the FIR along with other co-accused persons for being involved in the killing of the daughter of the informant.

Having regard to the submissions made hereinabove



and considering the general nature of allegations against the petitioner without any specific overt act attributed to him and further considering the fact that similarly placed co-accused has been granted bail by a Co-ordinate Bench and taking into account the submission of charge-sheet as well as the period of custody of this petitioner, who is stated to be father-in-law of the deceased, the petitioner above named 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 Korha P.S. Case No. 88 of 2020, subject to 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.

(Arun Kumar Jha, J)

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