

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14413 of 2022

Arising Out of PS. Case No.-189 Year-2021 Thana- MUNGER MUFFASIL District- Munger

Afroj @ Bhutiya, Son Of Md. Amin, R/O Village- Chamndani Tola, P.S.-
Muffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-08-2022 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 Muffasil P.S. Case No. 189 of 2021, G.R. No. 1579 of 2021 registered for the alleged offences under Sections 304(B)/120(B) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case is that the daughter of the informant was killed for dowry demand by the petitioner and other co-accused persons.

Learned counsel for the petitioner submits that the



petitioner is the brother-in-law (Nandoi) of the deceased and he lives separate from the deceased and her family. In fact, the deceased and her husband were living separately even from their parents/parents-in-law. The daughter of the informant committed suicide and the petitioner has no role in it. This fact is corroborated by the post mortem report which shows Asphyxia due to hanging and so prosecution story of assault by the petitioner and other co-accused is falsified. Considering these facts, a Co-ordinate Bench has granted anticipatory bail to other similarly placed co-accused persons vide orders dated 21.03.2022 passed in Cr. Misc. Nos. 1430 of 2022, 1164 of 2022 and 701 of 2022, respectively. The petitioner is in custody since 18.08.2021 and the charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is named in the FIR.

Having regard to the submissions made hereinabove and considering the fact that the petitioner is merely brother-in-law of the husband of the deceased, who is living separately from him and further considering the nature of allegation and the period of his custody, 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, Munger in connection with Muffasil P.S. Case No. 189 of 2021, G.R. No. 1579 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 the person, who has sworn the affidavit on behalf 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)

Balmukund/-

U		T	
---	--	---	--

