

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17365 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- PRANPUR District- Katihar

Md. Jumrati S/o Late Aalim Mian R/o village- Lava, P.S.- Prampur (Roshna O.P.), District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok
		Mr. Manzar Karim, Advocates
For the Opposite Party/s :		Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 201, 120B, 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Prosecution case, in short, is that the accused persons including the petitioner subjected to cruelty and torture with sister of informant namely Reena Khatoon aged about 30 years for non-fulfillment of demand of dowry of Rs. 2,00,000/-. It has further been alleged that on 25.03.2021 all the accused persons including the petitioner with a conspiracy murdered the sister of informant as well as her two daughters by locking in a room and



setting them on fire, due to which they burnt alive.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that in fact the petitioner is elder brother of the husband of the deceased (Bhaisur) and the petitioner has no concern at all with the family affairs of the deceased. He further submits that in fact the petitioner is living separately from the family member of the deceased. He further submits that during investigation the statement of the husband of the deceased namely Md. Tahir was recorded in which he categorically stated that he has committed murder of this wife and two children and the petitioner has no role at all. He further submits that the petitioner is rotting in custody since 18.06.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody since 18.06.2021, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Pranpur (Roshna) P.S. Case No. 51 of 2021, with the following conditions :-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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