

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22967 of 2022

Arising Out of PS. Case No.-142 Year-2020 Thana- PATAHI District- East Champaran

Md. Abulaish @ Abulaish S/o Md. Yunush R/o village- Parsauni Kapoor, P.S.-
Patahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ajay Kumar Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Patahi P. S. Case No. 142 of 2020 registered for the offences punishable under Sections 304 (B) read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the marriage of the daughter of the informant was solemnized with Saroj Ali and soon after the marriage, she was subjected to



demand of dowry and due to non-fulfilment of the same, all the accused persons including the petitioner killed the daughter of the informant.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is a villager and he was only a mediator of the marriage and he had no connection with the deceased after the marriage. It is further submitted that there is general and omnibus allegation against all the family members, however, irrespective of the fact that he is not a family member, the allegation has been levelled against him only because of being mediator and as such, the offence under Section 304 (B) would not be attracted against the petitioner. It is next submitted that during the pendency of the application, the husband and father-in-law of the deceased have been acquitted from all the charges and other co-accused persons are on bail.

On the other hand, learned APP for the State opposes the bail application however, he shows his inability to confront the submissions that other co-accused persons have been granted bail.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was only a mediator of the marriage and other co-accused



persons have already been granted bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Patahi P. S. Case No. 142 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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