

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34448 of 2021

Arising Out of PS. Case No.-141 Year-2019 Thana- KATHAIYA District- Muzaffarpur

Md. Saddam, aged about 23 years, (male), S/o Mainuddin Miyan, R/o village-
Thatiyan, P.S. Kathaiya, Dist.-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.
For the Opposite Party/s : Ms. Pushpa Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-02-2022 Let the defects, if any, be removed within four weeks
of start of normal functioning of the physical court.

Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned APP for the State.

Petitioner seeks bail in connection with Kathaiya P.S.
Case No. 141/2019 registered for the offences punishable under
Sections 304 (B) /34 of the Indian Penal Code.

The prosecution story in brief is that informant
Asimuddin has alleged in his fard beyan that on 22.08.2019 at
about 01.00 P.M., his samadhi Mainuddin informed him that his
(informant) daughter is admitted in S.K.M.C.H., Muzaffarpur.
The informant reached there whee his son-in-law Md. Saddam
met him and thereafter, informant saw his daughter lying dead.
Md. Saddam disclosed before the informant that she had



consumed poison. The informant further alleged that marriage of his daughter was solemnized with Md. Saddam two years ago and she has been blessed with one female child but thereafter, Md. Saddam and his mother started subjecting her to different sorts of torture for fulfilling the demand of a motorbike. The informant persuaded them on several times but all went in vain and ultimately, they killed his daughter by giving poison.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submitted that petitioner is the husband of the deceased, and there is general and omnibus allegation against all the accused persons. He has further submitted that in fact deceased had committed suicide. That the petitioner is in custody since 21.03.2020.

The learned counsel for the informant as well as learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, West Muzaffarpur, in connection with Kathaiya P.S. Case No.



14 of 2019, subject to 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 witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

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 antecedent, 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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