

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33831 of 2021

Arising Out of PS. Case No.-455 Year-2020 Thana- HARSIDHI District- East Champaran

Abdul Hameed, S/O Late Azim Miyan, R/O Harpur Rai, P.S-Harsiddhi,
District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Md. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 27-04-2022 The applicant/accused in Crime No. 455 of 2020 registered with Harsiddhi Police Station for the offences punishable under Section 304B r/w Section 34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that applicant Abdul Hameed is father-in-law of the deceased Rani Khatoon and he was not residing with the couple. He was staying at Nepal to earn his livelihood. It is further argued that even in the FIR, so far as the main incident is concerned, applicant is not named.

The learned Additional Public Prosecutor opposed the application but fairly accepted the fact that the witnesses are not naming the applicant as resident of the house where deceased Rani Khatoon and her husband Abdul Hameed were



staying.

It is case of the prosecution that in the year 2015, Rani Khatoon married to Abdul Hameed who happened to be son of the present applicant. She died unnatural death and that is how her father Kudus Mian lodged the FIR on 30.10.2020.

Report of postmortem examination of the deceased indicates no external injury and no ligature marked. The opinion is stated to be reserved.

In the FIR also first informant alleged that he came to know that his daughter Rani Khatoon is killed by her husband Md. Khalid, brother-in-law Menaj Alam and sister-in-law Najma Khatoon. It is not mentioning presence of the applicant at the house of the deceased when the incident took place.

In the light of this evidence against the applicant, after conclusion of investigation, his further pretrial detention is not warranted. Therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 455 of 2020 registered with Harsiddhi Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the



satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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