

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25364 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- GADHPURA District- Begusarai

1. Md. Azmat, Son Of Md. Taiyab R/O Village- Gadhpura, P.S.- Garhpura, District- Begusarai
2. Md. Ahmad @ Md. Ahmad Hussain, Son Of Md. Taiyab R/O Village- Gadhpura, P.S.- Garhpura, District- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Deepak Kumar
For the Opposite Party/s :	Mr. Kalyan Shankar
	Mr. Suneil Kumar Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 304(B), 201/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his daughter Rubi Khatoon was married with Md. Hasmat on 19.10.2020 and after marriage, the accused persons including the petitioners started torturing her for bringing money from her parents' place. It is next alleged that her daughter was killed and her dead body was buried.



Accordingly, the informant reached the place of occurrence.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that the informant is not an eye witness to the occurrence. It is also submitted that as far as allegation of demand of dowry is alleged, the same is general and omnibus in nature and the demand is vague. It is next submitted that if dowry was being demanded, then informant definitely would have knowing what amount was being demanded, but then the F.I.R. does not even remotely suggest that as to what amount was being demanded by the accused persons by way of dowry from the informant. It is next submitted that no doubt, the death of the deceased took place within seven years of marriage, but then it is the duty of the husband to keep and maintain his wife with honour and dignity. It is also submitted that if petitioners are sent to jail based on such general, omnibus and vague allegation and in the event, if they are acquitted of the charges in trial, then how their period of incarceration would be compensated and in the event, if the petitioners are indicted, they will serve the sentence. It is further submitted that husband of the deceased is in jail.

The learned counsel for the informant as well as



learned A.P.P. opposes the bail application, but are not able to rebut the submission of the learned counsel for the petitioners that the allegations are general, omnibus and vague in nature and the informant is not an eye witness to the occurrence and that the husband of the deceased is in jail..

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Gadhpura P. S. Case No.37 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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