

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38468 of 2021

Arising Out of PS. Case No.-167 Year-2019 Thana- SAKRI District- Madhubani

MD ISTIYAZ @ ISTIYAZ @ IMTIYAZ Son of - Md. Allauddin @ Allauddin
Resident of Village - Kajiyana, P.S. - Sakari, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Sakari P.S. (Sakari Town) Case No. 167/ 2019 registered for the offences punishable under Sections 306/34 of the IPC.

The gist of the prosecution case is that informant's daughter was married with petitioner but rites of Rukhsati could not be performed on the ground that petitioner's house was under construction. Her daughter always wanted to go to her sasural but family member of the petitioner refused due to



demand of dowry. After sometime, her daughter went to her sasural but she was ousted from there due to non fulfilment of demand of dowry. Later on, petitioner gave Talaq to informant's daughter as a result whereof, her daughter committed suicide at her natal place.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that in fact, deceased committed suicide after the petitioner gave Talaq to her. He further submits that it appears from the FIR that deceased committed suicide in her parental home. He further submits that police after investigation submitted charge sheet against the petitioner. He further submits that till date four prosecution witnesses have been examined on behalf of the prosecution. PW-1, namely, Khubuda Khatoon, who is Bhabhi of the deceased and daughter-in-law of the informant, was examined on 04.01.2022 and she denied the allegation against the petitioner. She also accepted that petitioner never harassed the deceased.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Madhubani in connection with Sakari P.S. (Sakari Town) Case No. 167/ 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.

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 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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