

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38931 of 2021

Arising Out of PS. Case No.-606 Year-2020 Thana- SITAMARHI District- Sitamarhi

MD. NIZAM S/O MD. ABDUL HAQUE R/O VILLAGE-MEHSAUL
GOTE, WARD NO. 8, P.S SITAMARHI, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa, Advocate
For the Informant	:	Mr. Manoj Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Sitamarhi P.S. Case No. 606 of 2020 instituted for the offences
under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 23.03.2021, charge-sheet has been
submitted and has antecedent of one case which was instituted
by the present informant.

Learned counsel for the petitioner further submits that
the informant alleges that she was married to Md. Salam four
years ago. Further her husband married Raushni Khatoon



thereafter used to torture the informant for dowry for which one case was instituted. Further that on 15.11.2020 the brother of the informant was brutally assaulted inside the cold storage by her husband and Raushni Khatoon by lathi leading to his death.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the petitioner is not named in the FIR. It is also submitted that petitioner is brother of Md. Salam and the informant in her re-statement implicated him by alleging that he being brother of Md. Salam also used to demand dowry of Rs.2,00,000/- and used to assault along with her husband on account of inability of the informant's father to fulfill the demand.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for regular bail of the petitioner. Learned counsel for the informant submits that earlier also a case was instituted under Section 498(A) and other Sections of the Indian Penal Code in which this petitioner was also an accused. Learned counsel for the informant is not able to meet the submission of the learned counsel for the petitioner that the petitioner is not named in the FIR and, as such, there is no allegation of assaulting the brother of the informant as



alleged.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted and is not named in the FIR, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 606 of 2020, with condition that if the petitioner does not appear in the trial on two consecutive dates, the learned court below shall forthwith cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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