

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40859 of 2021

Arising Out of PS. Case No.-14 Year-2021 Thana- BASANTPUR District- Siwan

MD. SERAJ @ MD. SIRAJ S/o Abdul Manan @ A. Manan R/o village- Lakri
Sharif Tola, P.S.- Lakri (Naviganj O.P.), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 24-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 06.03.2021, seeks
regular bail in connection with Basantpur (Lakri Naviganj O.P.)
P.S. Case No. 14 of 2021 registered for offences punishable
under Sections 304(B)/34 of the Indian Penal Code.

Prosecution story in brief is that the daughter of the
informant namely, Taikun Khatoon was married with Md. Seraj
on 19.06.2014 according to Muslim Customs and Rights. After
marriage, all the F.I.R. named accused persons started torturing
and assaulting his daughter. On 18.01.2021, he received an
information that all the F.I.R. named accused persons are



committing murder of his daughter then he along with his son reached matrimonial house of her daughter and saw her hanging with the ceiling. Inquest report was prepared in presence of father and two brothers of the deceased.

Learned counsel appearing on behalf of the petitioner submits that the deceased, who is the wife of the petitioner has committed suicide. It is specific case of the petitioner that petitioner had already informed the police a day before that his wife had locked the room from inside. The body of the deceased was recovered after breaking the door of the room in presence of the police as well as the two brothers and father of the deceased. Inquest report was also prepared in presence of father and two brothers of the deceased. Post-mortem report reveals that cause of death is due to hanging. Petitioner has clean antecedent and he is in custody since 06.03.2021 and no one is there in the family to take due care of his two children, who is aged about six years and three years. Taking sympathetic view, on any condition, the petitioner be released on bail.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforesaid facts and circumstances of the case as well as giving a careful examination of the allegation



made in the F.I.R. as well as the material which has surfaced in course of investigation it appears that the petitioner once found that his wife had locked her room, he immediately informed the police a day before and subsequently, his wife remained in the room for more than 28 hours. The inquest report was prepared in presence of the father and two brothers of the deceased. The body was not disposed of in a clandestine manner. Two children, who is aged about six years and three years are left without being taken care of.

The petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Basantpur (Lakri Naviganj O.P.) P.S. Case No. 14 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the



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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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