

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44754 of 2021

Arising Out of PS. Case No.-148 Year-2020 Thana- MANIGACHI District- Darbhanga

Md. Mustaqim, S/O Late Md. Surtalli, R/O Village- Putai Hanuman Nagar,
P.S- Manigachhi, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 22-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Vinay Kumar Mishra, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Manigachhi P.S. Case No. 148 of 2020 (S.T. No. 08 of 2021) for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

As per prosecution case, it is alleged that the marriage of the niece of the informant was solemnized just 11 months ago and soon after her marriage she was subjected to demand of dowry and torture. It is further alleged that on 08.07.2020 she was forcibly taken away from her Maika and



thereafter on 09.07.2020 the informant was informed by someone else that his niece has been killed by all the accused persons on account of non-fulfillment of demand of dowry.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is the father-in-law of the deceased and there is general and omnibus nature of allegation against all the family members. So far the husband of the deceased is concerned, he is in custody. It is further submitted that the mother-in-law and sister-in-law of the deceased have already been granted anticipatory bail by a co-ordinate Bench of this Court. It is also submitted that one another co-accused person Md. Mustafa @ Mohammad Mustfa, who happens to be the brother-in-law, has also been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 2192 of 2021 vide order dated 29.06.2021, as contained in Annexure-3 to the application. It is lastly submitted that this petitioner is in custody since 10.07.2020 and there is no likelihood of conclusion of the trial in near future.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is allegation against this petitioner that he being the father-in-law of the deceased demanded dowry and also tortured the



deceased. He next submits that the trial of the case is going on and out of seven prosecution witnesses, two have already been examined.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner happens to be the father-in-law of the deceased and there is general and omnibus allegation, apart from the fact that the petitioner is in custody since 10.07.2020 and he undertakes that he will remain present on each and every date of the trial fixed by the trial court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Darbhanga in connection with Manigachhi P.S. Case No. 148 of 2020 (S.T. No. 08 of 2021) subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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