

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38173 of 2022

Arising Out of PS. Case No.-400 Year-2020 Thana- ALAMGANJ District- Patna

Md. Rizwan Son Of Md. Ashik R/O Mohalla- Chunauti Kuan, P.S.-
Phulbarisarif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 17-10-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Alamganj P.S. Case No. 400 of 2020 lodged under Section 306
of the I.P.C.

As per the prosecution case, the informant i.e. the
father of the deceased has stated that the marriage of his
daughter was solemnized with the petitioner in the year 2016. It
has been stated in the F.I.R. that the deceased daughter was
residing with her father. It has been alleged that on 05.07.2020
the petitioner visited his *sasural*, thereafter he returned and after
a few days informant's daughter hanged herself and died.

Learned counsel for the petitioner submits that initially F.I.R. was lodged under Section 306 of the I.P.C. but after investigation in this case, charge sheet has been submitted by the police under Section 304(B) of the I.P.C. and $\frac{3}{4}$ of Dowry Prohibition Act.

Learned counsel for the petitioner submits that it is true that the marriage of petitioner with the deceased took place on 02.02.2016 in *nikah* with amount of *mehar* was fixed, which was Rs/- 51,786 (filed by supplementary affidavit). It has been alleged that on 13.05.2018, the petitioner had seen his wife (deceased) with other man in compromising position and since then petitioner and his deceased wife were living separately. The deceased was residing with her father. Learned counsel for the petitioner submits that allegation made in the F.I.R. is absolutely false.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 01.04.2022 having two criminal cases pending against him, which has been filed against him by his deceased wife and in which, he is on bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned ACJMI, Patna City in connection with Alamganj P.S. Case No. 400 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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