

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48984 of 2021

Arising Out of PS. Case No.-231 Year-2020 Thana- BIHRA District- Saharsa

Md. Abdul Rahman @ Md. Rahman Son Of Late Md. Sagir R/O Village-
Sattar Kataiya, P.S.- Bihra, District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with Bihra P.S.
Case No. 231 of 2020 instituted for the offences under Sections
498A, 342, 323, 307, 504, 506, 302 304B and 34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 01.11.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that his daughter (deceased) was married to
the petitioner six years ago according to Muslim rituals and at
the time of marriage, jewellery worth Rs. 4 lakhs and household
articles were given as gifts and out of the wedlock two



daughters were born. It is further alleged that due to birth of girl child, the deceased was tortured. Further, that on 17.10.2020, the deceased informed the informant on his mobile no. 7250604533 that she has been locked in a room by the petitioner and other named accused persons and that she may be killed and even asked her father not to go come fearing that he may be also be killed. It is further alleged that she was strangled by her *dupatta* and on her screaming the neighbours came and took her to Gayatri Nursing Home where she was kept on ventilator, the accused fled away and the informant got her treated but she died during the course of treatment.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleges that the deceased was locked in a room and she informed the informant on his mobile. Learned counsel further submits that if the petitioner or his family members had any intention to kill the deceased then they would not have locked her in a room with a mobile phone to give information to her near and dear ones including the informant rather they would have done the same in a secret manner and the neighbours would have never come to know about the occurrence. Further it is submitted that the fact that it



is alleged that neighbours came and took her to Gayatri Nursing Home where she was put on ventilator that in itself demonstrates that the petitioner was not present in the house and the deceased tried to commit suicide and when the neighbours came to know about the same, they immediately rushed her to the hospital where she was treated. Learned counsel for the petitioner submits that the fact that the deceased was rushed by her neighbours to the hospital that in itself is a proof enough for the purposes of bail to submit that petitioner is innocent and has been falsely implicated as the marriage was six years old and no allegation of any kind in between the aforesaid six years came to be alleged. Learned counsel further submits that he has filed a supplementary affidavit on 24.01.2022 wherein he has specifically stated that he has two minor daughters to look after who presently are being looked after by his family members. Learned counsel submits that the mother committed suicide, the father is behind bars and the children are leading a helpless life and they need care.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 01.11.2020, charge-sheet has been submitted in the case,



the petitioner is a person with clean antecedent and taking into consideration the submissions of the learned counsel for the petitioner, 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 District and Sessions Judge, Saharsa in connection with Bihra P.S. Case No. 231 of 2020.

(Satyavrat Verma, J)

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