

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55434 of 2021**

Arising Out of PS. Case No.-336 Year-2018 Thana- MANIYARI District- Muzaffarpur

Md. Ramzan Son of Md. Iliyas Resident of Village - Balahiya, P.S. -
Maniyari, District - Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 11-05-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Maniyari P. S. Case No. 336 of 2018 registered for the offences punishable under Sections 304 (B) read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that marriage of the daughter of the informant was solemnized with the petitioner (Md. Ramzan) in the year 2018. It is further



alleged that just after the marriage the accused persons started demanding motorcycle and Rs. 50,000/- and due to non-fulfilment of the demand the daughter of the informant was subjected to torture and finally the F.I.R. named accused persons killed her daughter.

Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus allegation against all the accused persons. So far this petitioner is concerned, on the alleged date and time of occurrence he was residing at Odisha for the purposes of his livelihood. It is further submitted that though the informant in his *fardbayan* has stated that the deceased was done to death for pressing her neck, whereas the other witnesses of the case diary have stated that the deceased has committed suicide by hanging herself. It is also submitted that some of the witnesses, whose statement have been recorded by the Police, have also stated this fact that this petitioner lives in Odisha since long and had not present at the time and place of occurrence. It is next submitted that this petitioner having curving face, he has been treated as handicap; whereas the deceased (Safina Khatoon) was also a handicap because her one side of the body was burnt with fire before the marriage and as such she was not happy with her conjugal life



and just before the occurrence some altercation has taken place in between the deceased and her father which resulted in committing suicide. It is lastly submitted that this petitioner is in custody since 01.08.2019. However, the other accused persons have already been granted anticipatory bail by this Hon'ble Court way back in the year 2019 itself.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner happens to be husband and further the witnesses have supported the prosecution case and moreover in course of the post mortem, it has come that the deceased had died due to asphyxia on account of throttling.

Having considered the submissions made on behalf of the parties and taking into account the fact that there is general and omnibus allegation and during the course of investigation, the witnesses have stated that this petitioner lives in Odisha since long and was not present at the time and place of occurrence and the deceased was not happy with her conjugal life and she might have committed suicide and moreover this petitioner having no criminal antecedent and he is in custody since 01.08.2019. Further, the petitioner is ready to give undertaking that he will remain present on each and every date



during the trial, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge XVI, Muzaffarpur in connection with Maniyari P. S. Case No. 336 of 2018, subject to the condition that one of the bailors will be the close relative 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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