

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60870 of 2021**

Arising Out of PS. Case No.-80 Year-2021 Thana- BALIA BELON District- Katihar

MD. MAHTAB ALAM @ MAHTAB ALAM Son of Dr. Alauddin @ Alaudin
Resident of Village - Nekola, P.S.- Balia Belon, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abdul Wadood, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 30-03-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Balial Belon P.S. Case No. 80 of 2021, G.R. No. 2850 of 2021
for the offence registered under Sections 304(B)/34 of the
Indian Penal Code.

The allegation is regarding the accused persons
having killed the deceased victim lady on account of non-
fulfillment of the demand for dowry.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and he is languishing
in custody since 25.07.2021. The learned counsel for the
petitioner has submitted that the petitioner has got no relation



either with the family members of the deceased victim lady or with the deceased victim lady and the only allegation levelled against him is that on one occasion he had participated in mediation proceeding so as to resolve the matrimonial dispute and thereafter had brought the deceased victim lady to her matrimonial home. It is also submitted that the husband of the deceased victim lady is already behind bars. It is next submitted that all the main accused persons i.e. the husband, mother-in-law and father-in-law of the deceased victim lady are already in custody. Lastly, it is submitted that no prejudice would be caused to the prosecution in case the petitioner is granted bail inasmuch as the investigation is complete and the charge sheet has already been submitted.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the only allegation levelled against the petitioner is regarding him having participated in mediation proceeding whereafter he is stated to have brought the deceased victim lady to her matrimonial home



apart from the fact that he has got no relation either with the family members of the deceased victim lady or with the deceased victim lady and moreover the main accused persons i.e. the husband, mother-in-law and father-in-law of the deceased victim lady are behind the bar, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in connection with Balia Belon P.S. Case No. 80 of 2021, G.R. No. 2850 of 2021.

(Mohit Kumar Shah, J)

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