

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61441 of 2021

Arising Out of PS. Case No.-431 Year-2020 Thana- DHAKA District- East Champaran

Jal Mohammad @ Jalaluddin Sai, Son of Late Nathuni Sai, Resident of
Village- Pachpakadi Fakir Tola, P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 02-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Dhaka (Pachpakadi) P.S. Case No. 431 of 2020 registered for the alleged offences under Sections 498A, 504, 323 and 304 B/34 of the Indian Penal Code.

Allegedly, the petitioner and other co-accused persons caused dowry death of the grand daughter of the informant by strangulating her. The petitioner is the father-in-law of the deceased.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner has been living separately from his son and the deceased. Only general and omnibus allegations have been levelled against the petitioner and other co-accused and there is no specific allegation against the petitioner. Prior to the occurrence, there is no complaint or FIR or any demand of dowry or torture pursuant to it. Moreover, there could be no demand of motorcycle by this petitioner, who is an old person aged about 62 years. Charge-sheet has been submitted in this case and the petitioner is in custody since 23.10.2020.

Learned APP opposes the prayer for bail submitting that there is specific allegation against this petitioner and other co-accused persons for committing murder of the grand daughter of informant on account of their demand of dowry and the post mortem report shows death was caused due to asphyxia due to strangulation.

Perused the records.

Having considered the allegation against this petitioner which is quite specific and there is nothing on record to show that the petitioner was living separately from the deceased or her husband, I am not inclined to grant bail to the petitioner.

Accordingly, his prayer for bail is rejected.



Since the charges have been framed on 03.07.2021 as it appears from the order of rejection of bail by the learned trial court, the trial of the petitioner be expedited and be concluded within six months from the date of receipt of this order.

However, if the trial is not concluded within a period of six months, then the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

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