

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63146 of 2021**

Arising Out of PS. Case No.-65 Year-2020 Thana- KRITYANAND NAGAR
District- Purnia

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Md. Sahil Son of Md. Sakbul Resident of Village- Mahamadpur, P.S.- K.
Nagar (Champa Nagar), District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Dr. Bidhu Ranjan, Advocate

For the State : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304(B)/34 of the Indian
Penal Code.

As per prosecution case, in brief, it is alleged by the
informant Md. Reyazuddin that on 29.02.2020 at about 4:30
P.M. one person of village Mahmmadpur informed the
informant on mobile that his sister has died. On this
information, informant and his family members went to



Mahmmadpur and saw that his sister namely Noorjahan Khatoon's dead body is lying on Chauki in the house. It is further alleged that his sister was married with Md. Sahil on 05.05.2019 according to Muslim rites and rituals. After marriage, all the accused persons including the accused petitioner was demanding Rs. 50,000/- as dowry and due to non-fulfilment of dowry, the accused persons including the petitioner have committed the murder of his sister by tying rope around the neck.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case only because he happens to be husband of the deceased. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. He further submits that during investigation it has come that the victim herself committed suicide and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.03.2020.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner but fairly submits that it has come during investigation that the victim has



committed suicide herself.

Considering the facts and circumstances of the case and the period of custody already suffered since 19.03.2020, 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 Court below where the case is pending in connection with K. Nagar (Champa Nagar) P.S. Case No. 65 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the



name of verification.

(Rajesh Kumar Verma, J)

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