

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53574 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- AMDABAD District- Katihar

1. Sk. Taukir Son Of Sk. Sarif R/O Village- Govindpur, P.S.- Amdabad, District- Katihar
2. Sk. Sarif Son Of Sk. Allauddin R/O Village- Govindpur, P.S.- Amdabad, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53833 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- AMDABAD District- Katihar

Sk. Ahmad Md. Sarif Resident of Village- Govindpur, P.S- Amdabad, District- Katihar

... .. Petitioner/s

Versus

The Sate of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53574 of 2022)

For the Petitioner/s : Mr. Narendra Kumar Chaubey, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 53833 of 2022)

For the Petitioner/s : Mr. Narendra Kumar Chaubey, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.Ps. for the State.

The petitioners seek regular bail in connection with

Amdabad P.S. Case No. 22 of 2022 lodged under Sections 341, 323, 307, 498(A), 504, 34, 506 of the I.P.C. read with Section 3/4 of Dowry Prohibition Act.

As per the prosecution case, the marriage of daughter of the informant was solemnized with the petitioner of second case. The deceased was subject to cruelty and torture due to non-fulfillment of dowry demand of one Apache Motorcycle. It has been alleged that his daughter was killed by fire upon pouring kerosene oil on her due to which she sustained burn injury over the body and later died in course of treatment.

Learned counsel for the petitioners submit that the petitioners of the first case (Cr. Misc. No. 53574 of 2022) are the *Bhaisur* and *Sasur* of the deceased, whereas the petitioner of the second case (Cr. Misc. No. 53833 of 2022) is the husband.

Learned counsel for the petitioners of the first case submit that all the allegations are general and omnibus. There was nothing specific made against the petitioners of first case. Counsel submits that the petitioners are the family members and they are in custody since 20.04.2022. It has also been submitted that charge sheet has already been filed in this case as well as a joint petition dated 07.03.2022 was also filed as Annexure-3 which was not considered by the Trial Court.

Learned counsel for the petitioners further submit that there is no role of the petitioners in commission of crime. Only due to second marriage which is permissible in the religion of petitioner of second case, the first wife was aggrieved and committed suicide.

Learned counsel for the petitioner submits that the petitioner of second case is the husband. Counsel submits that petitioner is in custody since 02.02.2022.

Learned counsel for the State vehemently opposes the prayer for bail and submits that due to post mortem report, it transpires that there is 80 % burn and cause of death is burning. Upon specific query that whether charge has been framed in this case or not, counsel submits that he is not in a position to assist the Court on this point.

In the present facts and circumstances of this case and the submissions made above, let the petitioners of first case (Cr. Misc. No. 53574 of 2022) be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Amdabad P.S. Case No. 22 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

Whereas, I am not inclined to grant bail to the husband petitioner of the second case (Cr. Misc. No. 53833 of 2022) but liberty is hereby granted that he may renew his prayer for bail one year after framing of charge.

The Trial Court is directed to expedite the trial as earliest as possible.

With this observation, the bail application of petitioners of first case (Cr. Misc. No. 53574 of 2022) stands allowed and the bail application of petitioner of second case (Cr. Misc. No. 53833 of 2022) stands rejected.

(Dr. Anshuman, J.)

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