

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65340 of 2021

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

Md Nur Alam, Son of Late Nijabat Hussain, Resident of Village- Nekula,
P.S.- Balia Belon, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Musowir, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-07-2022 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 Balia Belon P.S. Case No. 80 of 2021 registered for the alleged offences under Sections 304B/34 of the Indian Penal Code.

The prosecution case is that the daughter of the informant was married to the son of the petitioner and the allegation against the petitioner and other co-accused persons is that on account of demand of dowry, they committed dowry death of the daughter of the informant.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent. The allegation of demanding of Rs. 1 lac is against the accused husband of the deceased. No injury on the person of the deceased was found during medical examination. The cause of death has not been given and viscera has been preserved and viscera report is still awaited. There is no specific allegation against this petitioner, who is aged about 76 years. The petitioner is in custody since 28.07.2021 and the charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail, however, he admits that the viscera report is still not available and the cause of death is still not clear.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the role of this petitioner in causing dowry death of his daughter-in-law has not been made clear in the case diary and one of the witnesses in paragraph 66 has stated about the deceased committing suicide on account of some quarrel with her husband and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to



the satisfaction of learned Judicial Magistrate, 1st Class, Katihar
in connection with Balia Belon P.S. Case No. 80 of 2021,
subject to the following conditions :

(i) One of the bailors will be a close relative
of the petitioner.

(ii) The petitioner will remain present on
each and every date fixed by the court
below.

(iii) In case of absence for three consecutive
dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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