

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70215 of 2021

Arising Out of PS. Case No.-161 Year-2020 Thana- NARPATGANJ District- Araria

MD QUASIM Son of Saimul Safi Resident of Village - Barhara, Ward No.08,
P.s.- Narpatganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Narpatganj P.S. Case No. 161 of 2020, registered for the offences punishable under Section 304(B)/34 of the Indian Penal Code.

According to prosecution case as per FIR being fardbeyan of informant Prithwi Saafi, recorded that in laws house of the deceased daughter of the informant Hanisha Khattoon @ Hansa briefly is that the daughter of informant (since deceased) got married with Md. Kayim two years before in which the informant has given sufficient gift and dowry to the



deceased. After passing first year of successful matrimonial life having continuously subjected to assault, harassment and cruelty in the hands of husband Md. Kayim as well as in laws members including the petitioner being brother-in-law of deceased and others who all in connivance and collusion with each other have committed murder of the deceased for non-fulfillment of dowry demand as the accused persons have threatened earlier that informant having got information about the death of his daughter, he came at in laws house and found the dead body of his daughter lying there and lodged this case having suspended death of his daughter caused by members of in-laws family.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is brother-in-law (Bhaisur of the deceased). He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons working with the petitioner. There is no specific allegation against the petitioner and the similarly situated co-accused persons, namely, Md. Saimul Safi @ Saimul Safi and Dukhni Khatoon have been granted bail vide order dated 18.08.2021 passed in Cr. Misc. No. 44473 of 2021 and the police after investigation submitted the



chargesheet against the petitioner and the petitioner is in custody since 13.08.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Araria, in connection with Narpatganj P.S. Case No. 161 of 2020, subject to 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 witnesses, 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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