

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71098 of 2021

Arising Out of PS. Case No.-299 Year-2021 Thana- KORHA District- Katihar

Md. Kuddus S/o Late Khalil Baitha R/o village- Bansgarha, P.S.- Korha,
District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-10-2022 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.

In the present case, the petitioner seeks bail in
connection with Korha P.S. Case No. 299 of 2021 registered for
the alleged offences under Sections 304(B), 120(B) and 34 of
the Indian Penal Code.

As per prosecution case, the petitioner is the father-in-
law of the deceased daughter of the informant. The allegation
against the petitioner is that he along with other co-accused
persons, under a conspiracy, killed the daughter of the informant
by strangulating her due to non-fulfillment of their demand of
dowry.



The learned counsel for the petitioner submits that the allegation against the petitioner is general and omnibus along with other co-accused persons. In the present case, informant has not only made the husband of the deceased accused, he has made all the family members including relatives of the petitioner accused in this case. From the FIR, it is also apparent that the husband of the deceased used to demand dowry on instigation of the petitioner and others, but there is no specific allegation of demand of dowry against this petitioner. The petitioner is living with his second wife and he is separated in mess and business from his sons and he had no concern with the family affairs of the husband of the deceased. Learned counsel further submits that the co-accused husband has already surrendered before the court below on 29.09.2021 and in custody since then. This petitioner is in custody since 13.11.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the death of the daughter-in-law of the informant took place within a year of her marriage and post mortem report shows death was caused due to asphyxia as a result of throttling.

Perused the records.

Having regard to the submissions made on behalf of



the parties and considering the petitioner is the father-in-law and the allegations against him are general and non-specific and the son of the petitioner is already in custody and further considering his period of custody and the submission of charge-sheet, 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 Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 299 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 on 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)

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