

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72053 of 2021**

Arising Out of PS. Case No.-219 Year-2018 Thana- GAIGHAT District- Muzaffarpur

Md. Jabir @ Md. Jabir Hussain S/o Abdul Majid @ Abdul Mahjeed R/o
village- Bahadurpur Bakhari, P.S.- Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 12-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Gaighat
P.S. Case No. 219 of 2018 registered under Sections 498(A),
304(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 06.09.2021, is a person with clean
antecedent, charge-sheet has been submitted in the case and the
informant alleges that his daughter was married with the
petitioner in the year 2014 and had a child out of the wedlock. It
is further alleged that the accused person used to torture her,
further the deceased being fed up with torture consumed
Sulphas on 28.05.2018 was taken to hospital where she died
during the course of treatment on 11.06.2018.

Learned counsel for the petitioner submits that from



bare perusal of the allegation as alleged in the F.I.R. it would manifest that the F.I.R. does not even remotely whisper that any demand of dowry was being made rather a general and omnibus allegation is alleged that the deceased was being tortured but what kind of torture was being meted out that is also not specific.

It is further submitted that from the allegation as alleged it would manifest that the informant came to know on 28.05.2018 that his daughter had consumed poison and was taken to hospital but then neither the police was informed on 28.05.2018 by the informant nor by the hospital (IGIMS, Patna), this in itself demonstrates that the informant was aware that the petitioner was not instrumental for the deceased to consume poison. It is further submitted that *fard bayan* of the informant was recorded on 11.06.2018 i.e. after the victim died. The learned counsel, thus, submits that it absolutely does not stand to reason that when informant was aware that his daughter had consumed poison on 28.05.2018 then why an F.I.R. was not instituted promptly and why it took more than 13 days for the informant to get his *fard bayan* recorded.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.



Considering the fact that the petitioner is in custody since 06.09.2021 is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named is directed to 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 the learned court below where the case is pending/successor court in connection with Gaighat P.S. Case No. 219 of 2018.

(Satyavrat Verma, J)

ved/-

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