

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.855 of 2022

Arising Out of PS. Case No.-178 Year-2019 Thana- RIGA District- Sitamarhi

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AARIF THAKUROIL Son of Isrofil Thakurail @ Israfil Thakaroil Resident
of Village - Islampur, P.s.- Riga, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhubala Verma
For the Opposite Party/s : Mr. Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 498A, 304B, 201, 120(B)
and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 02.09.2021, charge-sheet has been
submitted and is a person with clean antecedent.

The informant alleges that her daughter Ibrana
Khatoon (deceased) was married to the petitioner around six
months before the occurrence. After marriage, all the accused
persons including the petitioner started subjecting her daughter
to cruelty in lieu of demand of non-fulfillment of dowry demand
and when the dowry demand was not fulfilled, daughter of the



informant was killed.

Learned counsel for the petitioner submits that the informant and the petitioner are next door neighbours and they resided in the same village. It is next submitted that the deceased was staying with her husband at Delhi but later she developed some heart problem on account of which the husband brought her back to the village where she was being treated and this fact was known to the informant. It is next submitted that the deceased died during the course of treatment and the informant participated in the cremation and the informant along with her family members participated in the cremation. It is next submitted that two months thereafter, the informant, for the reasons best known to her, after 25 days of the occurrence instituted the present false case against the petitioner and his family members. Learned counsel for the petitioner submits that the informant realizing her mistake again on 03.08.2021 filed a compromise petition in the learned Court below. It is next submitted that all these facts have come in the case diary.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that offence under Section 304B is not compoundable. It is next submitted that the ingredient of Section 304B is *prima facie* made out



from the allegation alleged in the FIR.

At this stage, learned counsel for the petitioner seeks permission to withdraw the bail application.

Permission is accorded.

Accordingly, the present bail application is dismissed as withdrawn in connection with Riga P.S. Case No.178 of 2019 pending in the Court of learned Chief Judicial Magistrate, Sitamarhi.

Learned Court below is directed to ensure that the trial is completed expeditiously preferably within a period of nine months from the date of receipt/production of a copy of this order. In the event if the trial is not concluded and the petitioner is not at fault, the petitioner shall be at liberty to renew this prayer for bail but the petitioner will first move before the learned Court below.

(Satyavrat Verma, J)

Ankit/-

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