

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1409 of 2022

Arising Out of PS. Case No.-332 Year-2020 Thana- ALOULI District- Khagaria

Dr. Md. Danish @ Md. Danish Son of Dr. Bakrid @ Md. Bakrid Resident of
Village-Sahshi, Tola-Dihuliya, P.S.-Alauli, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 17-08-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304(B), 34 and 328 of the
Indian Penal Code.

According to prosecution case, one Md. Hasnain gave
a written report before the Office Incharge, Alauli police station
on 20.10.2020 alleging therein that the marriage of her daughter
namely Jamshida Khatoon was solemnized in the year 2014
with Dr. Md. Danish and after six months of marriage Dr. Md.
Danish, Md. Bakrid, Rabina Khatoon were started demanding



Rs.2 lacs as dowry the said information was given by his daughter to him then she pacify the same but 15 days ago his daughter informed him that all have made torturing for dowry and any day they will kill her and her two sons will orphan. He further stated that on 19.10.2020 all have killed her daughter after injecting of poison. He further alleged that he received information at Delhi thereafter he came at his village and no about the occurrence that all have killed his daughter for dowry after injecting the poison and he also stated that at the time of killing his daughter was pregnant.

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 it appears from the F.I.R. that there is nothing specific allegation against the petitioner and there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that in fact the deceased has committed suicide herself and the petitioner has no concern at all with the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.08.2021.

The learned counsel for the Informant as well as



learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner and submits that during investigation there is sufficient material available against the petitioner and F.S.L. report also confirms that cause of death is due to poison.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Alauli P.S. Case No. 332 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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