

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1264 of 2022

Arising Out of PS. Case No.-158 Year-2018 Thana- RAMGARHWA District- East
Champaran

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Mahtab Aalam, Son of Late Manjoor Alam, Resident of Village Murgiya Tola,
P.S. Ramgarhwa, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 21-10-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Ramgarhwa P.S. Case No. 158 of 2018
registered for the alleged offences under Sections 304(B) and 34
of the Indian Penal Code.

As per prosecution case, the informant received news
of death of his sister in her matrimonial home caused by the co-
accused persons. Further allegation is that the in-laws of the
deceased have been demanding motorcycle and buffalo and had
been torturing the deceased on non-fulfillment of their demand
of dowry. The petitioner is stated to be husband of the deceased



and he was working outside the country and was alleged to have conspired with other co-accused persons in causing death of the sister of the informant.

The learned counsel for the petitioner submits that the petitioner has no role whatsoever in the alleged occurrence. He had been working in Qatar for his livelihood and the conjugal relationship between the petitioner and his wife was very cordial. There was no dispute over any dowry or demand. The absence of the petitioner in the country on the date of occurrence is admitted in the FIR itself. Since, the petitioner is the husband, he has had been named in this case. In fact, the death of the deceased was due to natural cause and the informant was apprised about it by the family members of the petitioner, still he chose to file the present petition. The petitioner is in custody since 22.08.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the submission. Learned APP submits that the petitioner is the husband and there is allegation of conspiracy with other co-accused persons for causing death of the sister of the informant.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that the petitioner was outside the country when the occurrence is stated to have taken place and the allegation is only of conspiracy against him and also considering the period of custody of the petitioner, 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 Sub-Divisional Judicial Magistrate, Raxaul, Motihari, East Champaran in connection with Ramgarhwa P.S. Case No. 158 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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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