

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20508 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- HARLAKHI District- Madhubani

MD. AZIM SAFI S/O LATE HASIM SAFI R/o village- Sothgawn, P.S.-
Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through Virtual Court Proceedings.

The petitioner seeks bail in a case registered for the offences punishable under Sections 304B, 201, 120B, 506, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is in custody since 06.04.2021.

Learned counsel for the petitioner submits that the present F.I.R. arises out of a complaint and the informant alleges that her daughter got married to the petitioner about 6 years ago, out of the wedlock two children were born, it is next alleged that thereafter the accused persons including the petitioner started torturing her for dowry and were demanding a motorcycle, it is next alleged that on 13.04.2020, all the accused persons



including the petitioner conspired and killed her daughter and the informant was not informed nor permitted to meet her grand children, further because of Corona, the informant was not able to come from Nepal.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegation, it would manifest that the marriage was six years old and out of the wedlock two children were born. It is also submitted that allegation with regard to the demand of dowry with respect to the motorcycle does not inspire confidence, it is further submitted that police after investigation submitted charge-sheet under Section 302 of the I.P.C which amply demonstrates that the case was not a dowry death as per the investigation of the police.

Learned counsel for the petitioner next submits that the date of occurrence is 13.04.2020 and the complaint came to be filed on 20.10.2020 i.e. after a delay of six months that also creates doubt with regard to the veracity of the allegation as alleged in the F.I.R, it is next alleged that purpose of arrest is not to punish but to ensure that the investigation is not hampered as allegations are in realm of allegation to be tested in a duly



constituted trial.

Learned counsel for the petitioner next submits that the charge-sheet has been submitted and he will co-operate in the trial and will not abscond.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner 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 Harlakhi P.S. Case No. 37 of 2021.

Further, if the learned Trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the Trial Court shall forthwith cancel his bail bonds after recording reasons and will take all coercive steps to ensure that he is behind bars.

(Satyavrat Verma, J)

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