

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26016 of 2023**

Arising Out of PS. Case No.-66 Year-2019 Thana- BAUSI District- Araria

MD TANBIR ALAM @ MD TANVEER S/O LATE NUR HASAN @ MD.
NOOR HASAN Resident of village- Saidpur, Ward No.- 13, P.S. Bousi,
District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Md Ziaul Quamar, Advocate

For the Opposite Party/s : Mr Navin Kumar Pandey, APP

CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-05-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner has preferred this application for grant of regular bail in connection with Bousi Police Station (for brevity, **PS**) Case No 66 of 2019 dated 25.05.2019 registered for the offence punishable under Sections 341, 323, 324, 307, 302, 498A of the Indian Penal Code and Sections 3, 4 of the Dowry Prohibition Act.

As per the prosecution case, the petitioner and other



co-accused persons armed with lathi, danda and iron rod assaulted the informant and her mother-in-law (Sajda Khatoon) resulting in their deaths.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner bears clean antecedent, as stated in paragraph 3 of the bail petition. There is general and omnibus allegation against the petitioner. He is in custody in this case since 06.05.2021. It is further submitted that as per the post mortem report, there was no external injury on the deceased, Sajda Khatoon.

Learned APP has vehemently opposed the bail petition of the petitioner and submitted that the post mortem report of Sajmun Nisha reveals that she died due to haemorrhage and shock as a result of head injury.

Considering the aforesaid facts and circumstances of the case, the period of custody as well as the allegation being general and omnibus against the petitioner, the petitioner above named is directed to be released on bail on his furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in Bousi PS Case No 66 of 2019 dated



25.05.2019 subject to the following condition:

The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail is liable to be cancelled.

This application stands allowed.

(Chandra Prakash Singh, J)

M.E.H./-

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