

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24450 of 2023

Arising Out of PS. Case No.-331 Year-2022 Thana- DHURAIYA District- Banka

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MD. ABDUS SALAM @ ABDUS SALAM @ SADDAM Son of Late Abdul
Wahid Resident of Rangaon Buzurg, P.S.- Dhoraiya, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2023 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioner seeks bail in connection with

Dhoraiya P.S. Case No. 331 of 2022 registered for the offence

under Sections 302/34 of the Indian Penal Code.

The daughter of the informant is subjected to

assault and torture on account of non-fulfillment of demand

of dowry by the petitioner and others and it is further

alleged that she has been done to death at the hands of

petitioners.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that the marriage of daughter of the informant was performed in the year 2010 and in between the 2010 to the date of occurrence, there was not complaint against the petitioner that he has assaulted or torture the daughter of the informant for want of dowry. He further submits that as a matter of fact, the deceased fallen from the stairs due to which she has sustained injury, however, she was taken to the hospital for her treatment by the petitioner and other family members but unfortunately, she could not be saved. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner and there no allegation of tampering with the witnesses against him. The petitioner is rotting in judicial custody since 29.09.2022.

Learned counsel for the informant as well as learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the allegation as alleged in the F.I.R. is fully supported by the medical



evidence. According to the postmortem report, the doctor has opined that the deceased sustained multiple ante-mortem injuries on her body. The types and places of injury over the person of the deceased clearly suggest that she has been undergone a brutal assault and also established that she has been murdered by the petitioner and others only for the demand of dowry which was not fulfilled by her parents.

Considering the facts and circumstances of the case and the rival submission of the parties and nature of injuries as narrated in the postmortem report as well as the allegation against the petitioner, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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