

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33792 of 2023**

Arising Out of PS. Case No.-214 Year-2022 Thana- ISUAPUR District- Saran

MD. SAGIR ALI @ MD. SAGIR S/O NAYEEMMIYA R/O Village-
Agautharsundar, P.S- Isuapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kanchan Kumari, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 24-06-2023 Heard learned counsel appearing on behalf of the
parties.

The petitioner seeks bail in connection with Isuapur
P.S. Case No. 214 of 2022 registered for the offence under
Sections 304B of the Indian Penal Code and Sections 3/4 of
Dowry Prohibition Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.10.2022.

The allegation against the petitioner is to cause death
of niece of informant along with other co-accused
persons/family members, due to non-fulfillment of demand of
dowry, as raised for cash of Rs. 50,000/-.

Learned counsel appearing on behalf of the petitioner
submitted that wife of petitioner committed suicide out of



matrimonial discord. It is submitted that petitioner was not available at home at the time of occurrence, as he left the house immediately when hot altercation took place with deceased. It is submitted that even, as per postmortem report, the cause of death is asphyxia “due to hanging” and there is no marks of external injury, suggesting that she was not assaulted by petitioner or any other co-accused persons/family member, soon before the occurrence. It is submitted that even the demand of dowry, as raised is also appearing very much general and omnibus. It is further submitted that nothing surfaced, during course of investigation, which may suggest that act of petitioner was so direct or active to force his wife to commit suicide, leaving no other option. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing surfaced, during course of investigation, which may suggest on its face that act of petitioner is so direct



or active to force his wife to commit suicide, where no external injury noticed, during postmortem, negating physical assault soon before the occurrence coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 01.10.2022, let the petitioner, above named, is directed to be released on bail in connection with Isuapur P.S. Case No. 214 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Session Judge, Saran at Chapra/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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