

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30919 of 2022

Arising Out of PS. Case No.-717 Year-2021 Thana- PURNEA SADAR District- Purnia

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BADRUDDIN @ MD. BADRUDDIN Son of Abdul Mazid Resident of
Village - Pipra, P.S.- Sadar (Mufassil), District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Chandra

For the Opposite Party/s : Mr.Sanjay Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 27-04-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well

as the learned APP for the State and also heard the learned

counsel for the informant.

In this case, the petitioner is seeking regular bail in

connection with Sadar (Mufassil) P.S. Case No. 717 of 2021,

registered for the offences punishable under Sections 304(B),

341, 323, 34 of the Indian Penal Code.

As per allegation, the marriage of deceased Farida

Khatoon was solemnized with the petitioner three and a half

year prior to lodging of the FIR. The accused persons demanded



rupees five lakhs in dowry and due to non-fulfillment they used to torture the deceased. The deceased communicated the informant about infliction of the atrocities at the hands of the accused persons. The informant received telephonic information from her relatives that the accused persons throttled the deceased to death.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. As a matter of fact, the deceased fell down as her foot slipped at hand pipe and having sustained injuries she died.

On the other hand, the learned APP has submitted that the petitioner is named in the FIR and there is allegation that only within three and a half year of her marriage, he committed murder of the deceased by strangulating her for non-fulfillment of demand of dowry. The learned APP has also submitted that as per inquest report some marks were found at the neck of the deceased and blood was also found oozing from her private part.

The defense of the petitioner is that the deceased had died by falling on the ground at hand pipe but the postmortem report shows that there is no mark of injury on her except some injuries near the neck which is not possible by falling on the ground. The deceased died in her matrimonial house within



three and half year of the marriage, in the circumstances which are other than natural and the accused person tortured her for non-fulfillment of demand of dowry soon before her death. The inquest report corroborates the allegation made in the FIR.

Considering the above mentioned facts and circumstances, I do not think it to be a proper case for bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Sudha/Sonali

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