

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42197 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- AAJAM NAGAR District- Katihar

MD. AKIL ALAM @ MD. AKIL HUSSAIN @ AKIL ALAM Son of Md.
Muslim Resident of village - Pelapur, P.S. - Balia Belon, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 08-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Azamnagar P.S. Case No. 09 of 2023 dated 08.01.2023 registered for the offences punishable u/ss 341, 323, 324, 307, 498A, 504 and 506 read with section 34 of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act and the Chargesheet was submitted u/ss 341, 323, 324, 307, 302, 304B, 498A, 120B, 504, 506 read with Section 34 of the IPC and Section 3/ 4 of the Dowry Prohibition Act.

3. As per the prosecution case, allegedly, the petitioner started pressing neck of the informant's daughter with



rope under conspiracy with the other accused persons and all the accused persons started assaulting her with iron rod and dabia indiscriminately due to non-fulfillment of demand of dowry. The co-accused Nagma Khatoon inflicted blows of knife on her neck. The injured was taken to Salmari from where she was referred to Katihar Medical College.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner. It is further submitted that the occurrence took place on 24.12.2022 and the petitioner was arrested on 09.01.2023 whereas the injured died on 16.03.2023 at her paternal home. Learned counsel further submitted that the cause of death of the deceased is Septicemia as a result of inflicted wound and bed sore. Learned counsel further submitted that life of the deceased could have been saved if proper treatment would have been made by the her parents as there was sufficient time. The petitioner neither tortured nor demanded any dowry. The injuries were caused by hard and blunt substance. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody



since 09.01.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody and the cause of death is due to septicemia and bed sore, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Katihar in connection with Azamnagar P.S. Case No. 09 of 2023 with the condition:-

(i) 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, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Alok Verma/-

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