

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34735 of 2023**

Arising Out of PS. Case No.-459 Year-2022 Thana- MUFFASIL District- West Champaran

AKHTAR MIAN S/o- MUSTAKIM MIAN Village- Fulwari, Ward No-1, Ps-
Muffasil Bettiah Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Nath Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioner, State and
the informant.

The petitioner is in judicial custody in connection with Bettiah Muffasil P.S. Case No. 459 of 2022 for the offence punishable under Sections 304B, 498A, 120B/34 of the Indian Penal Code lodged on 10.6.2022 by the informant, Md. Manan.

As per the prosecution story, the allegation is that the informant's sister was married to one Azad Alam but she was always tortured for dowry. Once she was assaulted and had to take shelter in a neighbouring house. Arbitration took place and the husband gave undertaking to keep her with



dignity and honour. However, on 10.6.2022, the informant was communicated by his villagers that she has been murdered. Accordingly, the FIR.

It is the case of the petitioner that he is the brother-in-law (Bhaisur), though in the same house, living separately inasmuch as, they have different kitchen and separately catering to their needs. Further, the husband, Azad Alam is in custody and is ready to abide by all the terms and conditions and will be diligently appearing in the trial.

The last submission is that he is in custody since 6.9.2022 (para-14 of the petition).

Learned counsel for the informant on the other hand submits that all of them conspired which resulted into unfortunate killing of the lady. It is his further submission that the prosecution witnesses have been examined and the trial is at an advanced stage.

Taking into account the fact that the petitioner is brother-in-law (Bhaisur), has remained in custody for almost one year, do not have criminal antecedent, is ready to abide by the terms and conditions, will be appearing diligently on each and every date in the trial without fail, this Court is inclined to extend him the privilege of bail with conditions.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Muffasil P.S. Case No. 459 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at



liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

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