

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51123 of 2023

Arising Out of PS. Case No.-114 Year-2022 Thana- KISHANGANJ District- Kishanganj

AJAM ALAM @ AJAM Son of Late Saidul Rahman Resident of Village -
Malhara, P.S.- Kishanganj, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Kishanganj P.S. Case No. 114 of 2022 giving rise to Session Trial
No. 152 of 2022 registered for the offence under Sections 302,
304(B), 120(b), 498A and 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 she has finally been done to death
by slitting her throat for want of dowry.

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
on bare perusal of the F.I.R., it appears that there is no specific



allegation of demand of dowry is attributed to the petitioner rather there is general and omnibus allegation against the accused persons including the petitioner. He further submits that the petitioner happens to be brother-in-law of the deceased. Moreover, co-accused, Anjari @ Anjari Begum and Sahabari @ Sahabari Begum, who are said to be sister-in-law and brother-in-law of the deceased, have already been granted bail by a co-ordinate Bench of this Court vide order dated 04.05.2023 passed in Cr. Misc. No. 72545 of 2022 and one another co-accused, namely, Alam @ Mohammad Alam @ Md. Alam has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 68116 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 21.03.2022.

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.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III, Kishanganj in connection with Kishanganj P.S. Case No. 114 of 2022 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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