

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54212 of 2023

Arising Out of PS. Case No.-64 Year-2023 Thana- BIRPUR District- Supaul

Md. Israfil Son Of Bachha Miya Resident Of Village-Bhagwanpur, Ward No.
06, Police Station-Birpur, District-Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 01-12-2023 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 304(B) and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Allegation against the petitioner is that he committed murder of his wife(informant's daughter).

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is the husband of the deceased due to which he has falsely been implicated in this case. There is no prior complaint in respect of dowry demand, harassment and cruelty. It is further submitted that the marriage of the victim with the petitioner



occurred seven years ago from the date of occurrence, hence no case is made out under Section 304B of the IPC. Postmortem report and FSL report did not support the prosecution version as no metallic, alkaloidal, pesticidal and volatile poison have been detected in the FSL report. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 05.04.2023.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Birpur P.S. Case No. 64 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Birpur, Supaul.

(Sunil Kumar Panwar, J)

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