

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57465 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- GARRANDANGA District- Kishanganj

AKBAR ALI Son of Mohsin Ali Resident of village - Tangtangi, P.S.-
Garvandanga, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-03-2023 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302, 201, 304B/34 of the Indian Penal
Code.

The daughter of the informant is subjected to torture
and assault on account of non-fulfillment of demand of dowry
made by the petitioner and his family members and finally she is
said to have been done to death.

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. In fact, the petitioner
happens to be husband of the deceased and has never assaulted



the informant. Neither he demanded any dowry from his wife nor he assaulted her in any manner. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and no specific allegation of assault or any overt act is attributed to him. He further submits that no case under Section 304(B) of the Indian Penal Code is made out against the petitioner. As a matter of fact, the marriage of the petitioner and the deceased took place 10 years before the date of occurrence. He further submits that it has come during course of investigation that the deceased has committed suicide and the doctor, who conducted the postmortem, has not found any ante-mortem injury on the person of the deceased. No other cogent material has surfaced against the petitioner during course of investigation. 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 28.02.2022.

Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is husband of the deceased and he is solely responsible for the death of his wife.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Garvandanga P.S. Case No. 12 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)

brajesh/-

U		T	
---	--	---	--

