

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66734 of 2022

Arising Out of PS. Case No.-995 Year-2020 Thana- DEHRI TOWN District- Rohtas

1. Md. Altaf Alam S/O Md. Imtiyaz Alam Resident of village- New Area Patel Gali, Ward no- 17, P.S.- Dehari (Town), District- Rohtas.
2. Ruqaiya Begum W/O Md. Imtiyaz Alam Resident of village- New Area Patel Gali, Ward no- 17, P.S.- Dehari (Town), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh No. 1, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Aditya Narayan Singh No. 1, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Dehari P.S. Case No. 995 of 2020 giving rise to Sessions Trial No. 300 of 2022, registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

It is alleged that the marriage of the daughter of the informant was solemnised with co-accused Md. Imran Alam @ Raja, however, after the marriage she was subjected to demand



of dowry and on non-fulfillment of the same she was tortured and done to death by all the accused persons. Petitioners are brother-in-law and mother-in-law of the deceased.

Learned counsel appearing on behalf of the petitioners submits that from the FIR it would be evident that a general and omnibus allegation has been levelled against all the family members, however, the fact is, just after the marriage the husband and the deceased got separated from the family members and had no concern with the affairs of the other family members. He further submits that co-accused Md. Chand Alam @ Chand Alam, who happens to be the elder brother of petitioner no. 1 has already been allowed privilege of bail by the learned co-ordinate bench of this Court in Cr. Misc. No. 64604 of 2021 *vide* order dated 22.02.2022, copy of which is annexed as Annexure-2 to the application. He next submits that the petitioners are in custody since 04.04.2022 and now the case has already been committed to the Court of sessions.

On the other hand, learned APP opposed the prayer for bail.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners were residing separately from the deceased apart from the fact that



co-accused person having identical allegation has been allowed the privilege of bail, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 19th Additional Sessions Judge, Rohtas at Sasaram, in connection with Dehari P.S. Case No. 995 of 2020 giving rise to Sessions Trial No. 300 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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