

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12657 of 2024

Arising Out of PS. Case No.-201 Year-2023 Thana- BARSOI District- Katihar

Md. Masoom Alam @ Md. Masoom S/o Abdul Rajjak R/o Vishnupur, P.S.-
Barsoi, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocate
For the State : Mr. Kumar Veerendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 01-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Barsoi
P.S. Case No. 201 of 2023 instituted for the offence under
Sections 304(B), 120(B), 342 & 34 of the Indian Penal Code.

3. As per the prosecution case, informant's step-
daughter was done to death at her matrimonial home.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 04-07-2023. Petitioner is
stated to be a man of clean antecedent.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present
case due to personal grudge with the informant. Petitioner is the



husband of the deceased. From perusal of the medical report of the petitioner as well as of the deceased, it would transpire that both of them were suffering from the 'Acquired Immune Deficiency Syndrome' (AIDS). From perusal of the postmortem report, it appears that the cause of death as opined by the doctor is due to asphyxia caused by hanging. There is no injury found on the body of the deceased. Father-in-law as well as mother-in-law has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 18-12-2023 passed in Cr. Misc. No. 75886 of 2023. It is lastly submitted by referring to the deposition of the PW-1 (informant), which is annexed as Annexure-5 to the bail application, that PW-1 has not supported the case of the prosecution.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and clean antecedent of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with Barsoi P.S.
Case No. 201 of 2023 subject to the following conditions:

- (I) One of the bailors shall be own/close member of the family of the petitioner.
- (II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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