

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14599 of 2024

Arising Out of PS. Case No.-415 Year-2023 Thana- BIRAUL District- Darbhanga

Sadre Alam Son of Motiuar Rahman At resident of Village and Post- Bauram,
P.S.- Jamalpur, District - Darbhanga, PIn Code-847203.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Dilip Kumar, learned counsel for the
petitioner and Mr. Md. Mushtaque Alam, learned APP for the
State.

2. The petitioner is apprehending his arrest
connection with Biraul P.S. Case No. 415 of 2023, F.I.R. dated
22.08.2023 registered for the offences punishable under Sections
304(B)/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the accused
petitioner along with others demanded dowry from the
informant's sister and non-fulfillment of the same they tortured
her by various way and lastly killed her and disappeared the dead
body of deceased.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the petitioner is brother-in-law of the deceased and from perusal of the F.I.R. it appears that no such occurrence had taken place and it appears from the F.I.R. itself that the date of occurrence as alleged in the F.I.R. is 02.06.2023 but the present F.I.R. was instituted on 22.08.2023 and as a matter of fact that the deceased was living with her husband at New Delhi and suddenly she became ill and husband of the petitioner immediately admitted her in Lok Nayak Hospital, New Delhi where she died during treatment on 01.06.2023 and the informant and his family members also participate in the last rituals of the deceased. He further submits that there is no specific allegation of any assault, or any demand of dowry or torture against the petitioner and the petitioner is not living with the family member of the deceased.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Biraul at Darbhanga in connection with Biraul P.S. Case No. 415 of 2023, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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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