

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24853 of 2024

Arising Out of PS. Case No.-1082 Year-2023 Thana- ARARIA District- Araria

Md. Moti @ Moti Son of Late Illiyas R/o Village- Islamnagar, Ward no.27,
P.S. and Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2024 Heard Mr. Ramesh Kumar Singh, learned counsel
for the petitioner and Mr. Md. Mushtaque Alam, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
20.01.2024 in connection with Araria P.S. Case No. 1082 of
2023, F.I.R. dated 09.01.2023 for the offences punishable under
Sections 304(B)/34 of the Indian Penal Code.

3. According to prosecution case, all the accused
persons including the petitioner have killed the sister of the
informant due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the ground that he is
father-in-law of the deceased. He further submits that it appears



from the F.I.R that there is no specific allegation of assault or overt act rather there is general and omnibus allegation against all the accused persons including this petitioner and in fact, the informant is not the eye witness of the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sabana Khatoon @ Bibi Imrana Khatoon has been granted bail by a co-ordinate Bench of this Court vide order dated 09.04.2024 passed in Cr. Misc. No. 3565 of 2024 and co-accused, namely, Md. Kalam and others have been granted anticipatory bail by this Court vide order dated 21.03.2024 passed in Cr. Misc. No. 6570 of 2024. He further submits that the husband of the deceased is languishing behind the bars since 10.11.2023. The petitioner is in custody since 20.01.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case



No. 1082 of 2023, subject to the following conditions:-

- i. 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.
- ii. 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.
- iii. 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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