

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24065 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- SATHI District- West Champaran

Mahmood Mian @ Mohammad Mian son of Late Bhulan Mian, resident of
Village- Samhauta, P.S- Sathi, Dist- West Chaparan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Heard Mr. Sharad Kumar Verma, learned counsel for
the petitioner and Mr. Anil Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
19.12.2023, in connection with Sati P.S. FIR No. 263 of 2023,
F.I.R. dated 20.11.2023 registered for the offences punishable
under Sections 304B/34 of the Indian Penal Code.

3. Allegation against the petitioner is of committing
torture and caused death due to non-fulfillment of demand of
dowry.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case merely on the ground that the
petitioner is father-in-law of the deceased. He further submits
that from perusal of the F.I.R. it appears that there is no specific



allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and in fact the petitioner was not present at the place of occurrence. He further submits that the husband of the deceased namely, Askali Mian, who happens to be son of the petitioner is in judicial custody since 21.11.2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.12.2023.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner as well as the husband of the deceased is in judicial custody, let the petitioner, above named, 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-II, Bettiah, West Champaran in connection with Sathi P.S. FIR No. 263 of 2023, subject to 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 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 antecedents, 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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