

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25780 of 2024

Arising Out of PS. Case No.-810 Year-2023 Thana- SIKARPUR District- West Champaran

Nurain Miyan @ Md. Nurain Son of Samsul Mian @ Samshul Miyan,
Resident of Ward No. 2, Village- Aamwatola, Kesariya, P.S.- Shikarpur,
District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vatsal Verma, Advocate
For the Opposite Party : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Heard Mr. Vatsal Verma, the learned counsel for the

petitioner and Mr. Ajit Kumar, the learned Additional Public

Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

07.11.2023, in connection with Shikarpur P.S. Case No. 810 of

2023, FIR dated 13.10.2023, registered for the offences

punishable under Sections 302 and 201 read with Section 34 of

the Indian Penal Code.

3. According to the prosecution case, the daughter of

the informant was subjected to regular torture and abuse by her

in-laws over non-fulfillment of dowry demand. It is further

alleged that co-accused persons on the night of 10.10.2023 tried

to strangle the deceased. It is further alleged that the co-



accused persons murdered the daughter of the informant by strangulating her and buried her dead body near a river or a drain and threatened the informant with dire consequences.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that in fact, the deceased was suffering from leprosy and thereafter, she was treated by various doctors at various hospitals and lastly she died on 09.10.2023 and not on 10.10.2023 and she was cremated in presence of nearest and dearest and thereafter, the informant, who is the mother of the deceased, filed a petition before the Chief Judicial Magistrate, Bettiah, stating therein that her daughter has died a natural death and due to some communication gap, she has filed the false case against the petitioner and his family members. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 07.11.2023.

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



6. Considering the aforesaid facts and circumstances and mainly the facts that informant's daughter was suffering from leprosy and she has died her natural death and the informant in her petition filed before the Chief Judicial Magistrate, Bettiah, has accepted that due to some communication gap she has filed the false case against the petitioner and his family members, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Bettiah, West Champaran, in connection with **Shikarpur P.S. Case No. 810 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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