

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26077 of 2024**

Arising Out of PS. Case No.-189 Year-2019 Thana- AMAUR District- Purnia

=====

Md. Aslam @ Md. Ashlam Son of Samsuddin @ Md. Samsuddin Resident of  
Village- Bagdhar Idgah Tola, P.S.- Amour, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Md Ziaul Quamar

For the Opposite Party/s : Mr.Satyendra Prasad

=====

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      15-05-2024                      Heard learned counsel for the petitioner and  
  
learned A.P.P appearing on behalf of the State.

The petitioner is apprehending his arrest in a  
  
case registered for the offences punishable under  
  
Sections 304(B)/34 of the Indian Penal Code.

The prosecution case as per F.I.R is that five  
  
years prior to the occurrence, the daughter of the  
  
informant was raped by the petitioner for which a  
  
panchayati was held. Thereafter the matter was  
  
compromised at the panchayat level and the petitioner



solemonized marriage with the daughter of the informant. The petitioner and other in-laws family members thereafter started torturing the victim. On 28.12.2019, the informant got information that his daughter has been beaten by her in-laws family members. The informant went at the matrimonial house of the victim and found the victim in an unconscious condition. She was taken to the hospital where the doctor declared her dead. The nearby people told the informant that all the accused persons including the petitioner had committed murder of his daughter by pressing her neck due to non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is husband of the victim and he was outside his house on the alleged date and time of the occurrence. There is no prior complaint of torture or demand of dowry against the



petitioner. The petitioner denies that informant had filed any case against the petitioner for committing rape against his daughter. A statement has been made in para 3 of the petition that petitioner has got no criminal antecedent.

*In contra*, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that petitioner is husband of the deceased. The deceased died within seven years of marriage. The postmortem report suggests the cause of death due to asphyxia caused by throttling. The independent witnesses have also supported the case of the prosecution.

Considering the fact that petitioner is husband of the deceased and the death occurred within seven years of the marriage, this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial



and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

Shageer/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

