

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34425 of 2024

Arising Out of PS. Case No.-160 Year-2023 Thana- AAJAM NAGAR District- Katihar

Md. Muzammil @ Mujjamil Son Of Late Fazlu Rahman Resident Of Village-
Dhumnagar, Ps- Azamnagar, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kr. Alok, Adv.

Mr. Manzer Karim, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

6 04-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 607 of 2023 arising out of Azamnagar P.S. Case No. 160 of 2023, registered for the offences under Sections 304(B), 120B and 34 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant was married with the petitioner and allegation against the petitioner and other co-accused persons is of killing the daughter of the informant on account of their demand of dowry.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against all the accused persons. The petitioner never demanded any dowry, never tortured his wife and did not cause the death of his wife. As a matter of fact, the deceased died a natural death as she suffered sudden pain in stomach. The informant side wanted to



extort money from the petitioner and when the petitioner refused, the present false case has been lodged. Learned counsel further submits that the post mortem report does not show cause of death and even the viscera report does not show presence of any poisonous substance though post mortem report mentions some superficial injuries like bruise and abrasion over the forehead, chin and right shoulder but the size of injuries shows injuries to be superficial. The post mortem report and viscera report strengthens the case of the petitioner about deceased dying a natural death. Petitioner is under custody since 12.05.2023 and charges have been framed against the petitioner who is having clean antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that petitioner was the husband of the deceased daughter of the informant and it is a case of dowry death as the death occurred within seven years of marriage.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no cause of death is forthcoming from the post mortem report or from the viscera report and further considering the framing of charges against the petitioner and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only)



each with two sureties of the like amount each to the satisfaction of learned Sessions Additional Judge-III, Katihar/concerned court, in connection with Sessions Trial No. 607 of 2023 arising out of Azamnagar P.S. Case No. 160 of 2023, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

7. Office is directed to reseal the viscera report and send it to the Court concerned for the needful.

(Arun Kumar Jha, J)

anuradha/-

U		T	
---	--	---	--

