

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41946 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- ADAPUR District- East Champaran

Ayaz Miya, Son Of Abbas Miya, Village- Barwa, Ps- Adapur, Dist- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Krishna Kant Singh, Advocate
For the State	:	Mr.Rajesh Kumar, APP
For the Informant	:	Mr.Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-07-2024 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State duly assisted by learned counsel for the informant.

2. Petitioner seeks bail in connection with 41 of 2024 registered for the offences under Sections 302, 498A, 120B & 34 of the Indian Penal Code.

3. The petitioner is named in the First Information Report and is in custody since 05.02.2024.

4. Allegation against the petitioner is to commit murder of the daughter of informant, who is the wife of petitioner due to non-fulfillment of demand of dowry even after 12 years of the marriage.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that wife of petitioner was a short tempered lady and out of family quarrel, she committed suicide. It is submitted that there is no sign of physical injury as per autopsy report. The doctor, who conducted autopsy, could not ascertain the cause of death, and therefore, viscera was preserved.

6. It is submitted by learned counsel that F.I.R. itself indicating the fact that informant came to know about the occurrence when petitioner was returning from hospital alongwith dead body of his wife near Gatgena Chowk suggesting hospitalization of deceased. While concluding argument, it is submitted that investigation of this case is completed for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

8. Considering the nature of allegation, where occurrence took place after 12 years of marriage, where informant also suggests that petitioner was returning home alongwith dead body of daughter of the informant from



hospital, suggesting *prima-facie* her illness, coupled with the fact that petitioner is in custody since 05.02.2024, where investigation has already been completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, East Champaran, Motihari/concerned court, in connection with Adapur P.S. Case No. 41 of 2024, subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Chandra Shekhar Jha, J.)

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