

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41786 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- DAGARUA District- Purnia

Md. Naquib Alam @ Md. Naqib Alam S/O Late Sabibul @ Md. Sabibul R/O
Village Babhani, Manikpur, P.S. Dagarua Distt Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s	:	Dr. Mrityunjaya Kr. Gautam, APP
For the Informant	:	Mr. Shivendra Prasad, Advocate Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-09-2024 Heard Learned Counsel for the Petitioner, Learned
APP for the State and Learned Counsel for the Informant.

2. The petitioner seeks regular bail in connection with
Dagarua P.S. Case No.316 of 2023 (S.T. No. 110/2024/CIS No.
110/2024) lodged on 22.09.2023 under Sections 302/34 of the
Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against five named accused persons including the present
petitioner to the effect that the marriage of the daughter of the
Informant was solemnized with the petitioner 12 years back
which was a love marriage. From the said wedlock, the daughter
of the Informant has two male children. It has been further



alleged that the accused persons used to demand dowry from the Informant and for non-fulfillment of the same, they inflicted torture upon the daughter of the Informant and ultimately, they killed the daughter of the Informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. From the contents of the FIR, it become very clear that the marriage was solemnized 12 years back, and from the marriage, there were two male children. He further submits that the allegation of demand of dowry is absolutely wrong and it is the different reason at all due to which the daughter of the Informant died. He further submits that the petitioner was not present at the time of the alleged occurrence. In fact, he had gone outside from the village and as soon as the petitioner came to know about the said incident, he came back to his native village. During the investigation, no material has come against the petitioner that he inflicted torture upon his wife (daughter of the Informant) rather at his instance, the last rites of the victim were performed. Learned Counsel further submits that the children of the Petitioner and the Informant are aged about 10 years, but the police have not taken their evidence as they were the best people who can disclose what happened at the house due to



which the Informant's daughter died. The petitioner is in custody since 22.11.2023 having a clean antecedent.

4. Learned APP for the State opposes the prayer for bail.

5. Learned Counsel for the Informant vehemently opposes the prayer for bail of the petitioner and submits that the petitioner is the husband of the victim.

6. In the present facts and circumstances of the case, it transpires to this Court that the evidence of all the witnesses has taken place and now only the official witnesses are left to be examined. Hence, no purpose shall be served in keeping the petitioner behind the bar. As such, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Purnea, in connection with Dagarua P.S. Case No. 316 of 2023 (S.T. No. 110/2024/CIS No. 110/2024), subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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