

Arising Out of PS. Case No.-79 Year-2024 Thana- PURNEA SADAR District- Purnia

MD. SABIR SON OF MD. MANSOOR @ MD. MANSUR ALAM
RESIDENT OF SIKANDARPUR DAKSHIN TOLA, P.S.- SADAR, DISTT.-
PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Hussain, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-10-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is in custody since 21.02.2024 and the informant alleges that his daughter was married to the petitioner and after marriage, the accused used to torture her for dowry, further a panchyati was convened but the accused persons were not willing to resile from their demand, next alleges that on 31.01.2024 his daughter called and informed that the accused were planning to kill her, further on



01.02.2024 the daughter of the victim called and informed that petitioner and his family members have killed her mother.

4. Learned counsel for the petitioner submits that petitioner, being the husband, has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not disclose the date of marriage of the petitioner with the deceased. It is next submitted that deceased was married to the petitioner about 15 years back and out of the wedlock, five children were born. It is also submitted that matrimonial discord in between the petitioner and the deceased started as the petitioner felt that deceased was not taking proper care of the children.

5. Learned counsel for the petitioner submits that petitioner about one year back performed his second marriage which further strained the relationship of the petitioner with the deceased. It is further submitted that the second marriage was performed under compulsion as the petitioner needed some one who could look after the children. It is next submitted that the allegation of demanding dowry is ornamental as no FIR ever came to be instituted either by the informant or the deceased prior to the instant occurrence. It is also submitted that after



second marriage, the relationship in between the deceased, petitioner and his second wife further deteriorated and the deceased in anger committed suicide. It is further submitted that had the petitioner been involved in the occurrence of killing the deceased in that event, efforts would have been made to dispose of the dead body to conceal the evidence but then that was not done as would manifest from the FIR itself, as the informant has alleged that when he came to the place of occurrence on coming to know about the occurrence, the dead body of his daughter was lying in the house. Learned counsel next submits that if privilege of bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the trial to prove his innocence.

6. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for regular bail of the petitioner but then learned counsel for the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the marriage of the petitioner with the deceased was 15 years old and the said fact is not disclosed in the FIR and also that the marriage of the petitioner with his second wife was performed only recently prior to the occurrence.



7. Considering the aforesaid submissions, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 234 of 2024 arising out of Sadar P.S. Case No. 79 of 2024.

8. However, if the learned trial court comes to a conclusion that petitioner, after his release on bail, is trying to delay the trial of the case in any manner, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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