

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55329 of 2024

Arising Out of PS. Case No.-407 Year-2023 Thana- MADHAURAH District- Saran

Md. Gayasudin @ Gyasuddin Son of Nizamuddin @ Nizamudin Resident of
village - Jodhauri Bathana, P.S.- Marhowrah, District - Saran at Chapra
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 14-11-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Marhowrah P.S. Case No. 407 of 2023, lodged on 09.07.2023 under Sections 302/34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against four named accused persons including the present petitioner against whom there is allegation that the accused persons in connivance with each other have killed the daughter of the informant by hanging her to death.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the prosecution story is very clear that the younger brother of the petitioner is in love with the deceased for which the family members of the petitioner were not ready and subsequently, upon refusing of the marriage by the family members of the petitioner, the victim was found dead. Though, the police has lodged the case under Sections 302/34 of the Indian Penal Code



but subsequently, charge sheet has been submitted in this case under Section 306 of the Indian Penal Code by which it becomes crystal clear that it is not the case of Section 302 rather it is a case of suicide. Counsel further submits that the younger brother of the petitioner who may be responsible for this occurrence but his age is about 16 years and he was granted bail by the Juvenile Court. Counsel further submits that the criminal antecedent of the petitioner is clean and he is ready to fulfill all the conditions whatsoever shall be imposed to him.

5. Learned Counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with Marhowrah P.S. Case No. 407 of 2023, subject to the following conditions as laid down under Section 438(2) Cr.P.C.

Aman Kumar/-

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(Dr. Anshuman, J)

