

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64935 of 2024

Arising Out of PS. Case No.-58 Year-2023 Thana- KISHANGANJ District- Kishanganj

Manarul Haque @ Manirul @ Md Manarul Haque Son of Azhar Alam @
Azhar Ali Resident of Village- Ruidhasa, ward no. 23 Kabristan Road,
Tingharia, P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr. Anish Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-12-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kishanganj P.S. Case No. 58 of 2023 dated 06.02.2023 registered for the offences punishable under Sections 302 and 304(B)/34 of the Indian Penal Code.

3. As per the F.I.R., the allegation against the petitioner is that he along with his family members killed the sister of the informant due to non fulfillment of dowry demand.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in this case. Petitioner is husband of the deceased and has never



made a demand of dowry from the deceased and her family members. There is no eye-witness of the alleged occurrence. It is next submitted that in the present case *vide* order dated 27.09.2024 a report regarding stage of trial was called for and on perusal of the same it is clear that five out of nine prosecution witnesses have been examined and the case is pending for prosecution evidence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 07.07.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Kishanganj P.S. Case No. 58 of 2023, with the condition/s:-

(i) One of the bailors will be own close relatives of the petitioner who will give an affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform



the court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iii) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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