

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62020 of 2022

Arising Out of PS. Case No.-155 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

MD. SHAHID @ MD. SHAHID ALAM S/O MD. MUSA R/v- Mastalia,
P.S.- Kochadhaman, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 19-01-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 304(B) and 34 of the Indian Penal Code.

Prosecution case relates to commission of murder of the informant's sister due to non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is the husband of the deceased due to which he has falsely been implicated in this case. There is no prior complaint with respect to dowry demand or torture and harassment. There is no eye witness to the alleged occurrence. It is further submitted in para 10 of the petition that victim was second wife of the petitioner and herself



committed suicide out of frustration as she wanted the petitioner to pronounce talak to her first wife. This fact also corroborated by the postmortem report of the deceased in which doctor opined that cause of death is due to asphyxia and shock as a result of hanging. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 03.06.2021.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed.** The above named petitioner is directed to be released on bail in connection with Kochadhaman P.S. Case No. 155 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Additional District and Sessions Judge-III, Kishanganj.

(Sunil Kumar Panwar, J)

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