

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69363 of 2024

Arising Out of PS. Case No.-137 Year-2015 Thana- MAJHAULIA District- West Champaran

Sheikh Mahfuj Alam S/o Sheikh Khurshid Alam R/o Village- Badaiya Tola
Bazar, P.S.- Majhauria, District- West Champaran. Petitioner.
Versus

1. The State of Bihar
2. Sheikh Ata Hussain Son of Sheikh Shankar R/o Village- Line Sugauli, P.S.-
Sugauli, District- East Champaran
... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-10-2024 Heard learned counsel for the petitioner and learned A.P.P.

for the State

2. The petitioner apprehends his arrest in Majhauria P.S. Case No. 137 of 2015 registered for the offences punishable under Sections 302, 201 and 498A/34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

3. The petitioner in association of other co-accused is said to have killed the daughter of the informant on non-fulfillment of demand of dowry.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature.

It is further submitted that on the date of occurrence the



petitioner was not present at his house rather he was present at Saudi Arabia for earning his livelihood. The relation between the petitioner and his deceased wife was very cordial. It is further submitted that there is delay of six days in lodging the F.I.R. without assigning any plausible reason for the said delay which creates a serious doubt about the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that considering the nature of the offence, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of case as well as the fact that petitioner is the husband of the deceased and cognizance has already been taken in this case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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