

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81616 of 2023

Arising Out of PS. Case No.-105 Year-2022 Thana- MUSRIGHRARI District- Samastipur

Md. Qaiser @ Md. Kaisher S/O Md. Saleem R/O Village- Barbatta, P.S-
Musrigharari, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Musrigharari P.S. Case No.105 of 2022, lodged on 18.06.2022,
under Section 304B/34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
four named accused persons including the present petitioner. As
per prosecution, the informant's daughter was killed by the
petitioner and his family members under conspiracy.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that from the bare reading of the FIR, it is clear that
marriage has been solemnized 17 years back. Counsel submits
that since marriage was solemnized 17 years back, therefore, the



offence under Section 304B has not been attracted in this case, whereas case has been lodged under Section 304B/34 of the Indian Penal Code. Counsel further submits in his defence that in last 17 years of conjugal life there was not a single complain has been lodged by the informant or by the deceased against the petitioner. He submits that cause of death of the petitioner's wife is only due to an accident when she went in the bond for taking bath where this unfortunate event has occurred. Counsel submits that the petitioner is in custody since 03.08.2023 having no criminal antecedent.

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

6. Upon the specific query of the Court that whether charges have been framed or not. Counsel for the petitioner submits that as per his knowledge charges have not been framed.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **three months after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Samastipur, in



connection with Musrigharari P.S. Case No. 105 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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