

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5037 of 2025

Arising Out of PS. Case No.-959 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

Amjad Miyan @ Amjad Ali son of Naimudin Miyan @ Mohammad
Naimudin village- Naini, Ps- Chapra Muffasil, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ojaswee Kumari, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 08-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecution for the State.

2. The petitioner seeks bail in connection with Session
Trial No. 961 of 2024 (arising out of Muffasil P.S. Case No. 959
of 2023) registered for the offences under Section 304B/34 of
the Indian Penal Code.

3. As per the prosecution case, the informant's
daughter was married to the petitioner around five years ago and
on account of non-fulfillment of demand of dowry she was
being subjected to torture by the family members of the
petitioner and they had also threatened to kill her. On
29.11.2023, it is stated that informant learned that the family
members including the petitioner had killed her daughter.

4. Learned counsel for the petitioner submits that



petitioner happens to be the husband of the deceased/ daughter of the informant and has falsely been implicated on account of extracting money from the petitioner. It is further submitted that from perusal of Annexure-2 i.e. the medical prescription of the wife of the petitioner (deceased), it would be evident that she was suffering with some illness and was under treatment prior to death. It has further been submitted that from the perusal of postmortem report it would appear that no antemortem injuries were found on the body of the deceased and the viscera was preserved and sent for FSL report. Learned counsel points out that the viscera was called for by this Court and from perusal of the same it is found that 'no metallic, Alkaloidal, Glycosidal, Pesticidal or Volatile poison could be detected in the contents of the plastic jar'. The learned counsel thus submits that from the FSL report also it would appear that there was no poison administered to the deceased and hence the allegation against the petitioner is false and concocted and he has clean antecedent and is languishing in custody since 29.07.2024.

5. Learned APP for the State opposed the prayer for bail of the petitioner and has stated that the death of the wife of the petitioner occurred within seven years marriage.



6. Considering the aforesaid facts and circumstances of the case and taking into account the postmortem report, the FSL report and the period of custody, let the petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Additional Sessions Judge XVII, Saran Chapra in connection with Session Trial No. 961 of 2024 (arising out of Muffasil P.S. Case No. 959 of 2023) subject to the conditions:-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner will remain present on each and every date fixed by the learned Court below, if so required by the learned Trial Court.
- c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.
- d. The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court



below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the afore-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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