

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6408 of 2025

Arising Out of PS. Case No.-490 Year-2022 Thana- RAXAUL District- East Champaran

Abbas Ansari S/O- Wakil Ansari Resident of Tumaria Tola, Ward No. 4, PS-
Raxaul Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Kumar Jha, Advocate

Mr. Kumar Shubham, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second attempt of the petitioner to seek bail from this Court in connection with Raxaul (Haraiya O.P.) P.S. Case No. 490 of 2022 registered for the alleged offences under Sections 304B/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act as his prayer for bail was earlier rejected by a Co-ordinate Bench vide order dated 14.05.2024 passed in Cr. Misc. No. 8346 of 2024.

3. As per prosecution case, the petitioner was married with the daughter of the informant and allegation against the petitioner and other co-accused persons is that they used to



torture and treat the daughter of the informant with cruelty for non-fulfillment of their demand of dowry of Rs.Two lakhs and a motorcycle. Finally, she was killed by smashing her head with iron, bricks and stones for non-fulfillment of their demand of dowry.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. While rejecting the prayer for bail, the learned Single Judge directed the learned trial court to expedite the trial and conclude the same within six months and gave liberty to the petitioner to renew his prayer for bail in case trial was not concluded within this period. Learned counsel further submits that a report was called for from the learned trial court about the present stage of trial and likely time for its conclusion. The report has been received and the learned trial court has submitted that out of 6 charge sheeted witnesses, 4 witnesses have been examined and trial was likely to be concluded in four months in case there was no defence witness. Learned counsel further submits that this case being registered under Section 304B of the Indian Penal Code and there would be defence witnesses and for this reason the trial is likely to take some more time for conclusion. Learned counsel further submits that



the petitioner never demanded any dowry and was not even present when the death of his wife occurred though FIR has been registered with allegation that the daughter of the informant was killed by smashing her head with iron/bricks/stones, the postmortem report falsifies the allegation as it shows cause of death was asphyxia due to hanging. Learned counsel further submits that the petitioner has been working as skilled labour in a company manufacturing different type of bags and has been living at Mumbai since 2017. None of the independent witnesses examined during investigation have supported the prosecution case. All of them stated that the deceased was found hanging from rope and her dead body was brought down with the help of villagers. As such, the daughter of the informant committed suicide by hanging. There is no material to show that the petitioner was involved in any manner in commission of the offence as alleged. The petitioner is in custody since 04.05.2023, i.e., for more than two years and there is likelihood of conclusion of trial in near future. The petitioner has one criminal antecedent and though the case was lodged by the deceased under Section 498A and other sections of the IPC as well as Sections 3/4 of Dowry Prohibition Act, the said case ended in compromise.



5. Learned APP opposes the submission made on behalf of the petitioner. Learned counsel submits that there is no fresh ground for consideration of prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and further considering the fact that the trial is likely to take more time for its conclusion, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul/concerned Court in connection with Raxaul (Haraiya O.P.) P.S. Case No. 490 of 2022, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three 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.

(Arun Kumar Jha, J)

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