

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15657 of 2025

Arising Out of PS. Case No.-274 Year-2023 Thana- MOTIPUR District- Muzaffarpur

Md. Azad @ Md. Azad @ Muhammadin Son of Md. Aslam Resident of
Village- Pana Chhapra, P.S.- Motipur, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey

For the Opposite Party/s : Mr.Pushpa Sinha

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Motipur P.S. Case No. 274/2023 dated 06.09.2023 registered for the offence punishable under Sections 304B read with 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have strangled the informant's daughter to death due to non-fulfillment of demand of bullet motorcycle and a gold chain as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner



who is husband of the informant's daughter. The petitioner neither demanded any dowry nor tortured the informant's daughter. Learned counsel has submitted that the petitioner went to Karnataka for his livelihood and he was working as Plaster Mistry under Class-I Contractor-V. Giri Raju and on the day of occurrence he was at his work place in district Bellary, Karnataka. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner is the husband. Learned APP for the State has relied in the case of **Santro Vs. The State of Haryana in Crl. Misc. No. M-31072 of 2012 (O&M)** wherein it is said by the Hon'ble Punjab and Haryana High Court *"even if there is plea of alibi, the same can be raised only at the stage of trial and not at the stage of anticipatory bail"*.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the



prayer of the bail of the petitioner in accordance with law and
on its own merits without being prejudice by this order.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

