

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17811 of 2025

Arising Out of PS. Case No.-269 Year-2024 Thana- DHORAIYA District- Banka

1. Md. Bechan @ Md. Bachan S/O Late Chhedi Resident of Village- Phattuchak, P.S.-Dhoraiya, District- Banka
2. Md. Alijan S/O Md. Bechan Resident of Village- Phattuchak, P.S.-Dhoraiya, District- Banka

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Braj Kishore Pd., A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 13-05-2025 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Dhoraiya P.S. Case No. 269 of 2024, registered for the offences punishable under Sections 80(2), 61(2) and 3(5) of the B.N.S. Petitioners have clean antecedent.

3. The prosecution case is to the effect that the informant alleged that his daughter, namely, Bibi Khusboo had earlier solemnised marriage with Md. Sajjad from whom she had eight years old son. The informant has further stated that Md. Alijan had adopted his daughter and had taken away her to Mumbai and they were residing together there. It was further stated that the daughter of the informant was subsequently called



back to the house of Md. Alijan where his father, mother and younger brother were residing. On 05.08.2024, the mother-in-law of the deceased was informed that his daughter died and he raised suspicion that his daughter had been murdered by the in-laws at the instance of the husband Md. Alijan.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in this case. He further submits that petitioner no.1 is an old man of 60 years and the father-in-law of the deceased who was present at the place of occurrence while petitioner no.2 is the so called husband of the deceased however, they have subsequently surrendered before the police on 22.11.2024 and since then they are in judicial custody. The learned counsel has further submitted that apparently there is no allegation of demand of dowry and torture on account of non-fulfillment of demand of dowry and as such Section 80(2) and 61(2) of B.N.S. is not made out. It has lastly been submitted the petitioners have clean antecedent and they are in custody since 22.11.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has submitted that admittedly, the petitioner no. 1 was present at the place of occurrence when the deceased was done to death and from perusal of the postmortem report, it is apparent that the cause of



death was strangulation/throttling. The learned A.P.P. for the State has also stated that the petitioner no. 1 being the culprit had escaped from the place of occurrence.

6. Considering the aforesaid facts and circumstances and taking into account the postmortem report and also the fact that petitioner no. 1 being present at the place of occurrence on the date of the incident, however as far as the petitioner no. 2 is concerned, admittedly he was not present at the place of occurrence and even from perusal of the FIR, it has only been stated about the petitioner no.2 that he has conspired in the killing of the daughter of the informant, I am not inclined to grant the privilege of bail to petitioner no.1, however petitioner no.2 is granted the privilege of regular bail

7. Accordingly, the prayer for bail of petitioner no. 2 is allowed, while the prayer for bail of petitioner no.1 is rejected.

8. Let the Petitioner No. 2, namely, Md. Alijan, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned C.J.M., Banka, in connection with Dhoraiya P.S. Case No. 269 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his



close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) 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.

(iv) And further condition that the 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 above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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