

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18138 of 2025

Arising Out of PS. Case No.-407 Year-2024 Thana- NOKHA District- Rohtas

Asif Hussain S/o Akbar Ansari Resident of village- Prem Nagar, Ward No 19,
Ps- Nokha, District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Shashi Kant, Advocate
For the State	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Ajay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Nokha P.S. Case No. 407 of 2024 registered for the alleged offences under Sections 80, 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the petitioner and other co-accused persons caused dowry death of the daughter of the informant. The petitioner is the brother-in-law of the deceased-daughter of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner is elder brother of the husband of the deceased. From



the FIR, it is clear that there is general and omnibus allegation against the petitioner and others. The husband of the deceased had separated himself from the petitioner after the marriage and the petitioner has no concern with the family life of the deceased or her husband. Learned counsel further submits that the sister-in-law of the petitioner committed suicide by hanging herself but the postmortem report has mentioned the cause of death as asphyxia due to strangulation and further mentioning that it could be ascertained only after viscera report. Thus, mentioning of cause of death in postmortem report is completely vague as the viscera has been preserved which means even the doctor was not certain about the cause of death. Learned counsel further submits that the petitioner is in custody since 30.10.2024 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned counsel for the informant submits that the daughter of the informant was killed by the petitioner and other co-accused persons on account of their demand of dowry and the postmortem report also shows the death was caused due to strangulation.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the fact that the petitioner is the brother-in-law of the deceased and also considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, 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 Additional Chief Judicial Magistrate-I, Rohtas at Sasaram in connection with Nokha P.S. Case No. 407 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and 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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