

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37164 of 2025

Arising Out of PS. Case No.-374 Year-2023 Thana- KALYANPUR District- East Champaran

Md. Rehan @ Rehan Ansari S/O Izhar Ansari R/O Village- Barharwa
Mahanand ,P.S-Kalyan Pur ,District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 14-07-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Kalyanpur P.S. Case No. 374 of 2023 instituted for the offences
under Section 304(B)/34 of the Indian Penal Code

3. As per prosecution case, the allegation against the
accused persons including the present petitioner of committing
murder of the daughter of the Informant for non-fulfillment of
dowry demand.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is the husband of the deceased. There is no
specific or direct allegation of any overt act against the
petitioner rather the same is general and omnibus in nature. As a



matter of fact, the deceased has died of her natural death due to illness. He further submits that the case between the parties has been compromised and a compromise petition has also been filed on 09.11.2023 before the learned A.C.J.M.-IVth, Motihari, East Champaran and, thus, the Informant does not want to proceed with the matter. The petitioner has no criminal antecedent and is languishing in judicial custody since 06.01.2025 without any rhymes or reason. Charge-sheet has been submitted in this case. He further submits that the co-accused Izhar Ansari and Rehaha Khatoon have already been granted bail by this Court vide orders dated 10.01.2025 and 25.04.2024 passed in Cr. Misc. Nos. 67616 of 2024 & 9276 of 2024 respectively.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and there is direct allegation against the petitioner. During investigation, the witnesses in Para-10 & 34 have supported the prosecution case. Postmortem report also supports the prosecution case. The I.O. after investigation has submitted under Section 304(b)/302/34 of the Indian Penal Code. The offence alleged is serious in nature and, thus, the petitioner does not deserve bail.



6. Having heard rival contention of both the parties, considering the entire facts and circumstances of the case and taking into account there being general and omnibus allegation against the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kalyanpur P.S. Case No. 374 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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