

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74305 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- SHRI NAGAR District- Madhepura

Md. Riyaz, Son of Md. Sahim, Resident of village- Puraini, Ward no 08, PS
-Srinagar, District -Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Manif, Son of Late Md. Suddi Marhum, resident of village-
Jorabareganj, Ps- Kumarkhand, Dist- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate
For the State	:	Ms. Pushpa Sinha.1, APP
For the Informant	:	Mr. Nafisuzzoha, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 18-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for informant.

2. The petitioner seeks bail in connection with Srinagar
P.S. Case No. 65 of 2024 dated 22.05.2024, instituted for the
offence punishable under Sections 328, 304B/34 of the Indian
Penal Code.

3. The prosecution case, in short, is that about 5-6 years
ago, the informant performed the marriage of his daughter with the
petitioner. It is alleged that the family members of her in-laws
house including the petitioner demanded Rs. 1,00,000/- and due to
non-fulfillment of the same, they tortured and assaulted her. As per
the written report, an information regarding death of his daughter
was given to the informant by the petitioner. Thereafter the



informant went to the in-laws house of his daughter where he found her lying dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the petitioner is the husband of the deceased. It is further submitted that the deceased herself consumed poison (sulphas) due to which she died. Learned counsel for the petitioner further submits that the wife (deceased) of the petitioner forced him that she will also go to Delhi but the petitioner was not in position to carry his wife because three children are also with them. The petitioner requested his wife to not go to Delhi presently, but his wife in absence of the petitioner consumed sulphas and committed suicide. At that time, the petitioner was doing labour work in the field. Lastly, it has been submitted that the petitioner is in custody since 24.05.2024 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. for the State as well as learned counsel for the informant has opposed the prayer for bail of the petitioner. Learned counsel for the informant submits that earlier the petitioner divorced the deceased but after intervention of the local people, her Nikah was again solemnized with the petitioner.

6. From perusal of the records, it is evident that the



petitioner is the husband of the deceased. Allegation against the petitioner is that he earlier divorced the deceased. After intervention of local people on 22.04.2022, again her Nikah was solemnized with the petitioner. Thereafter he again started torturing the deceased for non-fulfillment of dowry. Viscera report reveals that Aluminium Phosphide was present in viscera due to which she died. During investigation, the witnesses have supported the case of the prosecution.

7. Considering the conduct of the petitioner, who is the husband of the deceased, I am not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer for regular bail on behalf of the petitioner stands rejected.

9. Learned trial court is directed to expedite the trial and take all endeavour to conclude the trial at the earliest, preferably, within a period of one (01) year from the date of receipt/production of a copy of this order.

(Khatim Reza, J)

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