

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77861 of 2024

Arising Out of PS. Case No.-101 Year-2020 Thana- JOKIHAT District- Araria

Md. Aslam @ Aslam S/O Md. Rakib @ Rakib R/O Village- Kakan, P.S-
Jokihat, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Adv

For the State : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

4 17-04-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Jokihat P.S. Case No. 101 of 2020 registered for the offences punishable u/s 341, 498(A), 307, 504, 506 and 302 read with Section 34 of the I.P.C.

3. As per the prosecution case, the informant Md. Enul filed a complaint before S.H.O., Jokihat alleging therein that his daughter was married to Md. Aslam (petitioner) around 10 years ago and they have been demanding dowry for which his daughter had been subjected to physical and mental torture. It is further alleged that on 27.03.2020 his daughter was assaulted by all the named accused persons including the petitioner, due to which she got injured and was taken to the Sadar Hospital, Araria, where she died during the course of treatment.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case and from perusal of the FIR it is evident that there is general and omnibus allegation against all the accused persons including the petitioner. The learned counsel has further submitted that the deceased was taken to the Sadar Hospital, Araria, where she died during the course of treatment and the informant and the other family members were informed about the same and the son of the informant was personally present at the time when the petitioner's wife passed away. It is further stated that the brother of the deceased has signed on the inquest report and he was well aware of the facts of the case, however, as an afterthought, the present case has been lodged. It is further submitted that all the other nine accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 11.09.2024 passed in Cr. Misc. No. 61016 of 2024. It is lastly submitted that the petitioner has clean antecedent and is in custody since 25.07.2024.

5. Learned APP for the state has vehemently opposed the prayer for bail and has stated that the petitioner along with others has connived together and has assaulted the daughter of the informant resulting in her death, hence, he does not deserve



the liberty of bail.

6. Considering the aforesaid facts and circumstances of the case and also the fact that from perusal of the post-mortem report it is evident that there was no such ante-mortem injury found on the body of the deceased and the doctor has not been able to give a definite opinion with regard to the cause of death coupled with the fact that the petitioner is in custody since 25.07.2024, let the petitioner above-named, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria, in connection with Jokihat P.S. Case No. 101 of 2020.

7. However, it is made clear that the petitioner shall cooperate in the investigation and in case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation on the part of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the Trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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