

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86011 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- Patarghat District- Saharsa

Md. Kamil @ Mohd. Kamil S/o Md. Kalim R/o Vill.- Bathnaha, Ward No. 6,
Golma, P.S.- Patarghat, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Sanjay Kumar Jha, Advocate Mr. Rana Pratap Singh, Advocate
For the Informant	:	Mr. Arvind Kr. Pandey, Advocate
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 16-06-2025 Heard Mr. Krishna Pd. Singh, the learned senior
counsel for the petitioner, Mr. Arvind Kr. Pandey, the learned
counsel for the Informant and Mr. Ram Priya Sharan Singh, the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Patarghat P.S. Case No. 56 of 2024, registered for the offences
punishable under Sections 304(B), 498(A), 34 of the Indian
Penal Code and Section 3/4 of Dowry Prohibition Act.

3. As per the prosecution case, the informant had
alleged that petitioner along with other family members had
been demanding dowry and used to torture his daughter. It has
further been alleged that the daughter was once sent to her



Maikhe, however, she became pregnant and was again brought back by the petitioner and his family members and on 16.04.2024, the informant learnt that his daughter had fallen near the tubewell and she is not well and it was the informant who took his daughter to the Madhepura Medical Hospital for treatment who died on arrival.

4. The learned senior counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that from mere perusal of the postmortem report as well as the inquest report, it is evident that the witnesses to the same, who happens to be family members of the deceased, had themselves deposed that it was due to the fall, the daughter of the informant had received injury and had died. The learned senior counsel has further submitted that the allegations of demand of dowry is false and fabricated and the police has already submitted the chargesheet. It has lastly been submitted that the petitioner has clean antecedent and he is in custody since 11.07.2024.

5. The learned counsel for the Informant as well as the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that petitioner is named in the FIR and there is specific allegation of



demand of dowry and torture being handed over to the daughter of the informant. It has further been submitted by learned counsel for the informant that the daughter of the informant had died on account of receiving injuries which were inflicted by the petitioner and others in course of demand of dowry.

6. Considering the aforesaid submissions made by the parties and taking into account the fact that the witnesses, during investigation has stated that the victim/deceased had fallen down from the stairs and subsequently died and also taking into account the period of custody, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, 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 Chief Judicial Magistrate, Saharsa, in connection with Patarghat P.S. Case No. 56 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) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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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