

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89706 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- Sri Nagar District- Purnia

Md. Israfil, Son of Md. Aniul, Resident of Village- Ufrail, P.S.- Sri Nagar,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sri Nagar P.S. Case No. 68 of 2024, registered for the alleged offences under Sections 80, 61, 238 of BNS, 2023.

3. As per prosecution case, the sister of the informant was married with co-accused Md. Akhtar. The petitioner is the father of co-accused Md. Akhtar and allegation against the petitioner and other co-accused persons is that of demanding dowry and on non-fulfillment of demand strangulating the sister of the informant to death within six months of marriage.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner has been living separate in mess and property from the co-accused Md. Akhtar and he had no concern with the conjugal life of his son and the deceased. In fact, the deceased and the son of the petitioner had solemnized marriage out of love. The learned counsel further submits that in the post mortem report, opinion has been reserved with regard to cause of death till the receipt of the report of histo-pathological examination but no FSL report has been received and charge sheet has been submitted without such report. The learned counsel further submits that the co-accused husband is in custody since 26.08.2024 and this petitioner is also in custody since 26.08.2024. The petitioner is having clean antecedent.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made here-in-above and considering the fact that the petitioner is stated to be the father-in-law of the deceased and there is no specific allegation against the petitioner and further considering the cause of injury not being corroborated from the post mortem report and also considering the period of custody of the petitioner, submission of charge sheet along with his clean antecedent, the petitioner is directed



to 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 learned Sub-Divisional Judicial Magistrate, Purnea, in connection with Sri Nagar P.S. Case No. 68 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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)

V.K.Pandey/-

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