

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4968 of 2026

Arising Out of PS. Case No.-98 Year-2023 Thana- KANHAULI District- Sitamarhi

Enaytullah @ Enatullah Rain @ Ainayatullah @ Ainatullah Rain @
Ainatullah Son of Md. Shatir @ Satir Rain Resident of village- Marpa @
ward no. -4, Marpa, P.S. - Kanhauli, Dist. -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 304(B) and 34 of the Indian Penal Code.

3. The case of the prosecution is that the sister of the informant, namely, Rabina Khatoon (deceased) was married to this petitioner. It is alleged that she was subjected to cruelty on account of non-fulfillment of dowry demand of Rs. 5 lacs. From perusal of the FIR, it is clear that the petitioner has gone abroad and has also insisted the deceased to demand cash from her parents for arranging his visit. Further case of the prosecution is that on 10.06.2023, the deceased called her



mother and informed that she was being assaulted by her in-laws. On 11.06.2023, the informant received information that the deceased has died. The informant believes that the in-laws have killed the deceased.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that from perusal of the FIR, it is clear that the petitioner was abroad at the time of the occurrence. During investigation also, the witnesses have stated that the petitioner was not present at home at the time of occurrence rather he was abroad. From perusal of the order of the learned trial court, it is clear that the petitioner has raised this claim before the learned trial court that he left for Dubai but the learned trial court has not relied this as the ticket which has been filed, is only a photocopy and not supported by any certified immigration record, boarding verification and other documents. Since, in FIR itself, it is stated that the petitioner was abroad and the offence was committed at the matrimonial home, though the petitioner is husband of the deceased but no role of assault is attributed against him. Learned counsel has further submitted that during course of investigation, it has also come that the deceased had died due to hanging. A statement has



been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 15.09.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kanhauli P.S. Case No. 98 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi.

(Ashok Kumar Pandey, J)

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