## IN THE HIGH COURT OF JUDICATURE AT PATNA Cr.Misc. No.3560 of 2010 MD. MOFFASIL, SON OF MD. MOZAKEER HUSSAIN Versus THE STATE OF BIHAR

\_\_\_\_\_

3. 05/05/2010

Heard learned Counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offence under Sections 304B and 34 of the Indian Penal Code.

The prosecution case is that the deceased was done to death by her in-laws for non-fulfillment of dowry. However, there is material to suggest that in fact the deceased had injured herself in a train accident and she was removed to the hospital after the same through a Police Constable as noted in the case diary, and, thereafter a U.D. case was instituted by the father of the present petitioner upon her death and submission is that had the intention been to kill the deceased, no efforts would have been taken to take her for further treatment or institute a U.D. case to expose themselves to the dangers of being prosecuted.

In view of such, let the petitioner above named, who is in custody since 10.8.2009, be released on bail on furnishing bail bend of Rs. 5,000/- (Five thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran, in Sikta P.S. Case No. 33 of 2009 subject to the following conditions: (i)That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will undertake to furnish information to the court about any

change in address of the petitioner. (ii)That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(Anjana Prakash, J.)

S.Ali

