

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42069 of 2015

Arising Out of PS.Case No. -120 Year- 2015 Thana -MOTIPUR District- MUZAFFARPUR

1. Md. Kalam Son of Sabjan Miyan @ Bhardul Miyan, Resident of Village-Brit Barjee, P.S.-Motipur, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 14-10-2015 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner, namely, Md. Kalam apprehends his arrest in Motipur P.S. Case No.120 of 2015 under Sections 328 and 302 of the Indian Penal Code.

The learned counsel for the petitioner submitted that marriage was performed 16 years ago and there is no eyewitness to the occurrence that the petitioner administered poison to his wife. There is also delay of about 5 days in lodging the F.I.R. by the brother of the deceased and subsequently, the brother of the deceased has filed an application before the court below stating that in fact, he had not seen the occurrence and due to illness, his sister died.

On the other hand, the learned A.P.P. objected the prayer and submitted that still investigation is going on and the viscera report has not been received.

The admitted fact is that the deceased was the wife of the petitioner. According to the petitioner himself, still viscera report is not obtained by the prosecution i.e. the case is still under investigation.

Considering the above facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for bail is rejected.

(Mungeshwar Sahoo, J)

Saurabh/-

U		T	
---	--	---	--