

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.835 of 2015

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Md. Shabbir son of Md. Samiruddin @ Kailu, rResident of Village-Haripur,
P.S.-Kursakanta, District-Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.N.K.Agrawal, Sr.Advocate
		Mr. Dhananjaya Nath Tiwari, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP
For the informant	:	Mr. Sanjay Kumar Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-03-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 302 and 201/34 of the Indian Penal Code.

As per prosecution case, the petitioner along with his accomplice is alleged to have killed his own wife namely, Kulsum Khatoon.

Learned senior counsel appearing on behalf of the petitioner submits that none claims to be the eye witness of the actual occurrence of murder. It is further submitted that the alleged confession made by the petitioner before the family members of the deceased leading to recovery of the dead body of the deceased is not admissible in the eye of law under the mandate of Section 27 of the Evidence Act. The petitioner is said to be in judicial custody since 12.09.2014.

Learned Addl.P.P. appearing on behalf of the State as also learned counsel appearing on behalf of the informant have opposed the prayer and have submitted that in view of nature of

allegation, the petitioner does not deserve bail at this stage.

Taking into consideration the fact that the petitioner is alleged to have committed the murder of his own wife and on the basis of his confession, the dead body of the deceased was recovered, this Court is not inclined to accede to the prayer made on behalf of the petitioner at this stage. Whether confession made by the petitioner before the family members of the deceased is admissible or not shall be seen during the course of trial. Accordingly, the prayer for bail of the petitioner in connection with Kursakanta P.S.Case No. 135 of 2014 pending in the court of learned Judicial Magistrate, Ist Class, Araria is hereby rejected for the present.

Learned Magistrate in seisin of the case is directed to commit the case of the petitioner to the court of session forthwith, if not already committed. On such commitment, the case of the petitioner shall be taken up on priority basis and all endeavours shall be made to conclude his trial at an early date preferably within a period of one year from the date of framing of charge. However, if the trial of the petitioner is not concluded within the aforesaid period of time, the petitioner shall be at liberty to renew his prayer for bail.

(Birendra Prasad Verma, J)

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