

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 6972 of 2015

Arising Out of PS.Case No. -435 Year- 2014 Thana -BIHPUR District- BHAGALPUR

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1. Md. Jalil @ Jalil Miyan, Son of Late Kamruddin.
 2. Jubeda Khatun @ Jubbani, W/o Md. Jalil.
 3. Md. Anjar @ Ansar Ali, Son of Md. Jalil @ Jalil Mian.
 4. Jinat Khatoon @ Jitan Khatoon D/o Md. Jalil.
- All are residents of village - Naya Tola Birbana, P.S. Bihpur
Bhawanipur, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Prasad Prasad Singh, Adv.
For the State : Mr. Ajay Kumar-I, A.P.P.
For the Informant : Mr. Rajesh Kumar Jha,
Mr. Prem Kumar Jha &
Mr. Mukesh Mishra, Advocates.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

3 10-04-2015 Heard learned counsel for the petitioners,

learned counsel for the informant and learned A.P.P. for the

State.

The petitioners seek bail in Bihpur
Bhawanipur P.S. Case No. 435 of 2014 dated 27.11.2014
instituted under Sections 302/120B/34 of the Indian Penal
Code.

Learned counsel for the petitioners submits
that the petitioners are all belonging to one family and next
door neighbour of the husband of the deceased and just
because petitioner no. 1 had got the marriage fixed, he has
been falsely implicated. Learned counsel submits that there



cannot be any motive for the petitioners to kill the deceased moreso, when according to the F.I.R. itself, the illicit relationship was between petitioner no. 4, who is the minor daughter of the petitioners no. 1 and 2 and the husband of the deceased and thus if at all, there could have been any real motive for the petitioners to commit an offence, they would have killed the husband of the deceased who had illicit relationship with petitioner no. 4. Learned counsel submits that the petitioners have clean antecedent and are in custody since 21.12.2014.

Learned A.P.P. and learned counsel for the informant oppose the prayer for bail. It is submitted that four witnesses have recorded the statement before the Court under Section 164 of the Code of Criminal Procedure, 1973 in which specific roles have been assigned to petitioner no. 1 as holding belt which was used for strangulation along with the husband of the deceased; petitioner no. 2 with other co-accused holding the hands of the deceased while petitioners no. 3 and 4 holding the leg of the deceased, and the postmortem report confirms that death has been due to strangulation. Learned counsel has further submitted that no real cause has been shown by the petitioners to indicate their false implication.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on bail.

Accordingly, the application stands dismissed.

However, the Court below shall expedite the trial and conclude the same within six months.

(Ahsanuddin Amanullah, J.)

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