

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44898 of 2015

Arising Out of PS.Case No. -5 Year- 2015 Thana -JOGBANI District- ARRARIA

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Md. Abdul Rahim, son of Md. Wajul, resident of village- Mirganj, Ward
No. 9, P.S.- Jogbani, Dist- Araria.

.... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 16.10.2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Jogbani
P.S. Case No. 5 of 2015 dated 15.01.2015 instituted under
Section 302 of the Indian Penal Code.

The allegation against the petitioner, who is
the husband, is of committing murder of his wife by either
strangulation or administering poison.

Learned counsel for the petitioner submits
that though he is the husband but the marriage has taken
place in the year 2012 and thus in such short span of time,
there could not have been such an extreme step taken so as to
kill the wife. It is further submitted that in the F.I.R. itself, it
is stated that the petitioner and his family members were not
satisfied by the gift but nowhere it has come that in the past
also there was demand of any gift/dowry or torture due to non

fulfillment of the demand. Learned counsel submits that the body was kept till the informant and other family members came from more than 60 kms. away and further that in the postmortem held no sign of any external or internal injury has been found and even the cause of death has not been ascertained for which the viscera has been preserved. Learned counsel submits that the petitioner having clean antecedent had no role in the death of his wife and is rather unfortunate to have been implicated by his own in-laws as the father-in-law i.e., the father of the deceased has lodged the F.I.R.

Learned A.P.P. submits that the allegation against the petitioner being serious and he being the husband, does not deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in Jogbani P.S. Case No. 05 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

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