

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48634 of 2014

Arising Out of PS.Case No. -175 Year- 2013 Thana -BARGANIA District- SITAMARHI

Sadre Alam Khan @ Sadare Alam Khan @ Sadrey Alam, S/o Abdul Kadir Khan R/o Village - Tole - Jhakharkhan, P.S. - Bairgenia, District - Sitamarhi.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate

For the Opposite Party/s : Mr. Narendra Kr. Singh(App)

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

7 17-07-2015 Heard the learned counsel for the petitioner and the learned counsel for the State.

The petitioner seeks bail in *Bairgenia* P.S. Case No.175/2013 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The allegation is that the accused including the petitioner were demanding motorcycle. The petitioner, husband of the deceased, had illicit relation with his *Bhabhi* which was protested by the deceased. The petitioner and others sent the deceased to her *Naihar* saying that until she fulfilled their demand, they would not take her back, but the petitioner and others took her to their house on 13.12.2013 and on 15.12.2013, they administered poison to her and she was killed by tying a rope around her neck.

The learned counsel for the petitioner submits that the

deceased did not want to live with the petitioner and she had committed suicide. The petitioner has no criminal antecedent and he has been in custody since 10.12.2013.

The learned counsel for the State submits that the prosecution case has been found true and after investigation, charge sheet has already been submitted. During investigation, it has been found that the petitioner and his mother had confessed their guilt before the witnesses that poison was administered to the deceased, even though she did not die, thereafter, her neck was tied and she was killed. The medical report also supports this version.

Report of the trial court dated 3.07.2015 shows that the case has been fixed for charge and the trial is likely to be concluded within a year.

Considering the facts and circumstances of the case, in my opinion, the petitioner does not deserve bail at this stage. His prayer for bail is rejected.

Let the trial be expedited. However, if the trial is not concluded within one year, it will be open to the petitioner to move the trial court for grant of bail.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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