

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36305 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -MORO District- DARBHANGA

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1. Sajid Khan, Son of Kafil Khan @ Kafil Ahmad Khan Resident of
Village- Lahwar, P.S.- Keoti, Dist- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jawed Gaffar Khan

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 30-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Moro P.S.
Case No. 04 of 2015 registered for the offences punishable under
Sections 342, 323, 504 and 302 of the Indian Penal Code.

The daughter of the informant was married to the
petitioner two and a half years ago and the petitioner used to
torture his wife and on the date of occurrence he also assaulted her
and killed her by wrapping Dupatta in her neck.

Submission is of false implication and that there is no
allegation for demanding dowry. The wife of the petitioner due to
some dispute committed suicide by hanging herself. The petitioner
tried to save her but was not saved and in that process the

informant saw the petitioner and lodged this false case. The doctor who has committed postmortem, has found cause of death due to asphyxia due to hanging and, as such, the petitioner who is suffering in custody since 03.02.2015, deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that petitioner was seen in that room by the informant at the time of occurrence and within seven years of marriage he killed the daughter of the informant.

In the facts and circumstances stated above, considering the postmortem report and further chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Chief Judicial Magistrate, Darbhanga arising out of Moro P.S. Case No. 04 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain

present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

sushma/-

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