

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2139 of 2016

Arising Out of PS.Case No. -70 Year- 2014 Thana -BENIPATTI District- MADHUBANI

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Md. Saddam Hussain @ Md. Saddam @ Saddam, son of Late Md. Soyeb,
Resident of Village- Narauchh, P.S.- Jaley, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Kumar No 13

For the Opposite Party : Mr. Atul Chandra (App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 11-03-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner is accused in connection with
Benipatti P.S. Case No. 70 of 2014, registered under Section 302
and 316 of the Indian Penal Code.

The allegation of informant, Raushan Khatoon, is
that she performed the marriage of her daughter Farjana Khatoon
with this petitioner after divorce from her first husband, namely,
Sahud. But at the time of marriage it was not disclosed that her
daughter Farjana Khatoon was a divorcee. After knowing about
the earlier marriage of Farjana Khatoon and her divorce to her
first husband, Md. Saddam Hussain (Petitioner) used to quarrel
with her and she was left her Myka before three months. On



30.04.2014 petitioner Md. Saddam came at her house and used to reside in the room with his wife Farjana Khatoon. On 04.05.2014, when Farjana Khatoon did not come out from room in the morning then door was knocked and after opening the door, Farjana Khatoon was found dead pool of blood, whereas this petitioner was also found sustaining injury in the room. The informant raised suspicion about killing of her daughter by her son-in-law (Petitioner) due to annoyance of information of divorce of Farjana Khatoon with her first husband Md. Sahud.

Learned counsel appearing on behalf of the petitioner submits that admittedly the petitioner is the second husband of the deceased and in course of investigation the I.O found that the window was open, which was without grill. The villagers entered in the room from the window. In fact, the first husband of the deceased Md. Sahud, who falls annoyance about the performance of marriage with Farjana Khatoon committed the occurrence in which the petitioner also sustained injury, but due to ulterior motive the petitioner has falsely been implicated in this case merely on suspicion. Further submission is that petitioner has no criminal antecedent and he is in custody since 06.05.2015.

Having regard to the facts and the circumstances of

the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge-IV, Madhubani in connection with Benipatti P.S. Case no. 70 of 2014 (S.T. No. 325 of 2014). Out of two sureties, one surety must be the close relative of the petitioner, who will file an affidavit showing his relation with the petitioner.

(Rajendra Kumar Mishra, J.)

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