

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33000 of 2016

Arising Out of PS.Case No. -125 Year- 2014 Thana -JOGBANI District- ARRARIA

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Md. Nazim @ Md. Najim son of Late Azmul, Resident of Village- Amauna
Ward No. 1, P.S- Jogbani, District- Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh
Mr. Shashi Kumar

For the Opposite Party/s : Smt Gulnar Begam

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 06-12-2016 Heard Sri Surendra Kumar Singh, learned counsel
assisted by Sri Shashi Kumar, learned counsel for the petitioner
and Smt. Gulnar Begam, learned Addl. Public Prosecutor.

The petitioner, husband of the deceased, has prayed
for grant of bail in Jogbani P.S. Case No. 125 of 2014 registered
for offence under Sections 498(A), 304(B) of the Indian Penal
Code. The petitioner is in custody since 10-05-2016, as stated in
paragraph – 22 of the present petition.

By way of referring to F.I.R. itself, it was submitted
by learned counsel for the petitioner that even on the date of
occurrence, petitioner was out of station, where he was residing
for his livelihood. It has also been argued that the wife of the
petitioner was ailing and as such, she was carried to Forbesganj



Hospital and thereafter, she was referred to Sadar Hospital, Purnia.

In the meanwhile, she died in the said Hospital itself.

In this case, earlier case diary was called for.

Learned counsel for the petitioner, by way of referring to paragraph – 67 of the case diary, submits that even in *post-mortem* examination report, no external injury was noticed to show that death has occurred due to any external torture. He has also submitted that in paragraph – 8 of the case diary, at least one witness has categorically stated that the petitioner on the date of occurrence was out of station.

Learned Addl. Public Prosecutor has opposed the prayer for bail, however; she has not disputed the fact that there was no external injury on the person of deceased.

In view of facts and circumstances, let the petitioner namely Md. Nazim @ Md. Najim be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Araria in connection with Jogbani P.S. Case No. 125 of 2014.

(Rakesh Kumar, J.)

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