

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52718 of 2015

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

Md. Nazim, S/o Late Azmul, resident of Village - Amauna Ward No. - 1,
P.S. - Jogbani, District - Araria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Anil Prasad Singh, Advocate.

For the Opposite Party : Mr. Amit Kumar Rakesh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Jogbani P.S. Case No. 125 of 2014 for the offences instituted
under Sections 498(A) and 304(B) of the IPC.

The prosecution story, in brief, is that the informant's
daughter was married with this petitioner according to Muslim
Law and at the time of marriage, the informant gave many articles
to her daughter. After some time, FIR named accused persons
started torturing the informant's daughter for unlawful demand of
Rs. 5,00,000/- for which several panchayatis were held in the
village but accused persons did not pay any heed to it and insisted
to fulfill their demand. It is further alleged that the accused



persons used to torture the informant's daughter in various ways and ultimately she fell ill then her daughter sent telephonic message to the informant that accused persons are conspiring to administer poison to her. Accused persons took her to hospital for treatment and on the way they administered poison and on 18.11.2014 removed Oxygen pipe from her nose and ultimately she died in the hospital.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no direct or indirect evidence against the petitioner. From perusal of the postmortem report it appears that there is no external or internal injury on the body of the deceased. The deceased is said to have died due to prolonged illness.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and he is the husband of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Jogbani P.S. Case No. 125/2014, pending in the court of the learned A.C.J.M., Araria. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its

own merit without being prejudiced by this order.

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(Sudhir Singh, J)

