

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26633 of 2016**

Arising Out of PS.Case No. -41 Year- 2016 Thana -AJAMNAGAR District- KATIHAR

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Bharat Kumar Yadav Son of Late Budhdeo Yadav, Resident of Village -  
Azam Nagar, P.S. - Azam Nagar, District - Katihar.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rana Vikram Singh, Advocate

For the Opposite Party/s : Smt. Pronati Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      29-08-2016                      Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in Azam Nagar P.S. case  
No.41 of 2016 instituted for the offence under Section 302 of the  
Indian Penal Code, pending in the court of learned Chief Judicial  
Magistrate, Katihar.

The prosecution case, in brief, is that in the night of  
13.2.2016 the petitioner intimated the informant on mobile that his  
sister is serious and instantly switched off the mobile. Again the  
informant asked the petitioner, upon which he stated that his sister  
has died. It is also alleged that the petitioner was not well behaved  
with his wife and he also sold out some land in favour of another  
lady and the petition had illicit relation with another lady.

It has been submitted on behalf of the petitioner that the

petitioner is in custody since 14.2.2016 and the charge sheet has already been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. There is no witness to the alleged occurrence. The petitioner has been made accused merely on suspicion. There is no circumstantial evidence to suggest the involvement of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The deceased is the wife of the petitioner. The alleged occurrence has taken place within eight years of the marriage. The postmortem report indicates that there is strangulation mark on the neck of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The Court below is directed to take all necessary steps to expedite the trial.

**(Sudhir Singh, J)**

Narendra/-

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