

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7404 of 2019

Arising Out of PS. Case No.-110 Year-2018 Thana- TARABARI District- Araria

=====

Md. Asfaque Alam, S/o Dildar, Resident of Village - Kamaldaha, Ward No.-5,
P.S.- Kursakanta, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 28.09.2018 in a case registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Pramod Gosai recorded by Md. Mehboob Alam, S.I.-cum-S.H.O. on 07.09.2018 at 01.30 P.M. is to the effect that on 06.09.2018, the informant and his wife returned home after doing labour work and thereafter, the informant went for getting their wages. When the informant returned at about 07.00 P.M., he found that his



wife was was not at home, whereupon he enquired about her from his daughter, Aarti Kumari, who conveyed him that the wife of the informant has left the house some time ago. On search, being made, the informant found the dead body of his wife on the western side of Kuriyaghar beneath the Chachari Bridge, under water. It is suspected by the informant that the wife of informant has killed by throttling and there were tooth bites on the right hand and right side of the back and also swelling on the neck on the body of the victim. Thereafter, the informant raised suspicion against his brothers with whom he has some land dispute from earlier and named them in the FIR. The name of the petitioner sprang up during investigation, as the petitioner used to talk with the wife of the informant. It is further alleged that the victim was raped before killing.

It is submitted by learned counsel from the petitioner that the petitioner made his confessional statement. The petitioner is a cloth merchant and the victim used to take clothes from him, on that ground, he used to talk with the victim. Moreover, the postmortem report does not suggest the accusation of rape, as there is no external injury except swelling on the neck and injury of tooth bites on the right arm and left side of chest of the body of the victim. It is further submitted



that the cause of death has been ascertained as asphyxia, as a result of strangulation and it is further submitted that the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that during investigation the petitioner confessed his guilt.

Considering the circumstantial nature of accusation and the fact that the investigation has already been concluded, coupled with the statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released 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 **S.D.J.M., Araria** in connection with **Tarabari P.S. Case No.110 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/-

U		T	
---	--	---	--

