

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15363 of 2018

Arising Out of PS. Case No.-29 Year-2015 Thana- BABUBARHI District- Madhubani

Md. Arman, Son of Md. Shabbir, Resident of Village- Gidarganj, P.S.-
Andhrathadhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Sri Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

9 07-01-2019 Heard learned counsels for the petitioner, informant
and learned APP for the State.

The petitioner, being the husband of the daughter of the informant, is languishing in custody since 07.03.2015 in a case registered for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 07.03.2015 submitted by Md. Rajeev to the Station House Officer, Babubarhi Police Station to the effect that on 07.03.2015 at 9.00 P.M., the informant's daughter Shamina Khatoon and her husband Md. Arman, after taking dinner at the house of the informant proceeded for the house of the petitioner, but on the way, the victim was killed. It is further alleged that the victim's marriage was performed



with the petitioner on 03.01.2008, but subsequently the victim came to know that the petitioner has illicit relationship with her sister-in-law (bhabhi) which was protested by her, as a result, the victim was not only assaulted, but was also driven out from the matrimonial house after snatching all her belongings. The victim had also filed maintenance case before the family Court concerned, wherein, the petitioner was directed to pay Rs.2,500/- per month to the victim as maintenance.

It is submitted by learned counsel for the petitioner that there is no eye witness to the occurrence and only on the basis of suspicion, the accusation has been levelled against the petitioner.

Learned counsel for the informant and learned APP for the State after going through the case diary submits that the petitioner has confessed the guilt and he had motive to kill the victim. On conclusion of investigation, the charge-sheet has been submitted and out of four witnesses, one witness has been examined.

Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner for the present.

Accordingly, the prayer for bail of the petitioner in



connection with Babubarhi P.S. Case No.29 of 2015, pending before the learned ACJM, Jhanjharpur, Madhubani is rejected.

However, it is expected from the trial Court to expedite the trial. If the trial will not be concluded within a period of six months due to the laches on the part of the prosecution, the petitioner would be at liberty to renew his prayer for bail. The trial court is also expected not to grant any unnecessary adjournment in the matter.

(Dinesh Kumar Singh, J)

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