

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52818 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- BARSOI District- Katihar

NIJAMUDDIN Son of Md. Ajijwal Resident of Village - Sihiganw, P.S. -
Barsoi, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 27-11-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Barsoi PS case no. 238 of 2018 instituted for the offences
punishable under Sections 498A, 504 of Indian Penal Code and
3/4 of D.P. Act.

The allegation as per the case set out by the
informant in the FIR is that the marriage of the daughter of the
informant was solemnized with the petitioner herein on
05.04.2018, whereafter the petitioner and other co-accused
persons used to assault the daughter of the informant and make
demand for bringing dowry from the informant. Subsequently,
the informant is said to have gone to the house of the petitioner,
however she could not find her daughter there and she has the



apprehension that the petitioner and other co-accused persons have killed the daughter of the informant and then the present case has been lodged.

The learned counsel for the petitioner has submitted that the petitioner is innocent and though, he is the husband of the daughter of the informant but he has got no complicity in the killing of his wife. It is further submitted that the petitioner is languishing in custody since 04.09.2018.

I have heard the learned counsel for the parties and perused the materials on record as also the case diary which has been called for in the present case, from which it is apparent that there is ample evidence to *prima facie* make out a case against the petitioner herein of having killed his wife. Infact, not only charge-sheet has been submitted under Sections 302/201 of Indian Penal Code against the petitioner but thereafter, the learned court below has also taken cognizance of the offence and charges have been framed against the petitioner on 16.01.2019, whereafter the trial is going on and it is at the stage of leading of prosecution evidence.

Considering the fact that there is ample evidence to *prima facie* make out a case as against the petitioner herein of having committed the heinous crime of killing his wife, this



Court is not inclined to grant bail to the petitioner herein, hence
the present petition stands dismissed.

(Mohit Kumar Shah, J)

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