

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76732 of 2018

Arising Out of PS. Case No.-192 Year-2018 Thana- RAXAUL District- East Champaran

Baitullah Mian Son of Afiullah @ Sharfullah, Resident of Village- Jhumka,
P.S.- Sikta, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar @ Sonu

For the Opposite Party/s : Mr.Sri Manoj Kumar - 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-01-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since
05.08.2018 in connection with Raxaul P.S. Case No.192 of 2018
registered for the offences punishable under Sections 302, 363,
120B of the Indian Penal Code.

Prosecution case as per the written report of Phool
Chnd Giri to S.HO. Of of Raxaul P.S. is to the effect that the
informant, being resident of Uttar Pradesh was residing at
Raxaul in a rental house of Raj Kumar Sah with his wife and
daughter. He used to run e-rikshaw. When informant used to go
to Raxaul for work, the petitioner who always used to come in
his residential house and used to establish physical relation with
his wife. On 24.7.2018 when he returned from his duty, then he
saw that his room was closed, he believed that the petitioner



must have taken away his wife and his daughter. Thereafter, he started searching and found rotten smell coming from his room, he informed nearby police and thereafter room was broken and dead body of the informant's wife was found in the room, leading to the registration of FIR.

It is submitted by learned counsel for the petitioner that from the entire prosecution case, it appears that the informant's motive to kill his wife since he suspected illicit relation with the petitioner. As per the first information report, he used to return everyday home after the work then there is no occasion for not entering into room any specific for four days. The statement has been recorded in para 11 of the case diary which suggest that it was the landlord who found rotten smell coming out from the room and the got the lock of the room broken. There is no eye witness to the occurrence and only on the basis of suspicion, the accusation has been levelled.

Learned APP after going through the case diary submits that the petitioner had illicit relationship with the wife of the informant. He however admits that there was no eye witness.

Considering the suspicious nature of accusation, there being no eye witness of the occurrence, let the above named



petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari in connection with Raxaul P.S. Case No.192 of 2018

(Dinesh Kumar Singh, J)

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