

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20660 of 2020

Arising Out of PS. Case No.-128 Year-2016 Thana- LAUKAHA District- Madhubani

Md. Kismat S/o Late Birbal Village- Patharahi, P.S.- Laukaha, Distt- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Md. Ahmad S/o Late Diljan Resident of Village- Bandarjhuli, P.S.- Laukaha, Distt- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

5 21-12-2020 Heard learned counsel for the petitioner and learned counsel for the informant as well as learned Additional Public Prosecutor for the State through virtual mode.

Petitioner is in jail custody since 05.05.2018 in connection with Laukaha P.S.Case No. 128 of 2016 registered for the offences punishable under Sections 498A and 364/34 of the Indian Penal Code.

Wife of the petitioner was found missing since 24 to 25 days from the date of registration of the F.I.R. Subsequently, one dead body was recovered and the informant claimed to have identified the aforesaid dead body on the basis of teeth of the dead body.



Admittedly, the deceased was of Muslim Community but post mortem report available on the case diary goes to show that post mortem examination was done on the dead body of a Hindu female.

Moreover, the investigation is still going on and the I.O up till now could not succeed to trace out the wife of the petitioner.

No doubt, earlier the bail prayer of the petitioner was rejected by this court but the aforesaid rejection order was passed at the initial stage of the case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Jhanjhapur, Madhubani in connection with Laukaha P.S. Case No. 128 of 2016.

N.K/-

(Hemant Kumar Srivastava, J)

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