

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25630 of 2020

Arising Out of PS. Case No.-1051 Year-2019 Thana- MADHEPURA District- Madhepura

MD. KALIM @ MD. KALIM ULLAH @ MD. KALIMULLAH Son of Md.
Kailu Resident of Village - Mirchaibari, P.S.- Jankinagar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 03-12-2020 Heard Mr. Uday Chand Prasad, learned counsel

for the petitioner and Ms. Sharda Kumari, learned

Additional Public Prosecutor appearing for the State

through video conferencing.

Petitioner seeks regular bail in connection with
Madhepura P.S. Case No. 1051 of 2019 registered for the
offences punishable under Sections 302, 201 and 34 of the
Indian Penal Code 1860.

The allegation as per the First Information Report
is that daughter of the informant had gone with the
petitioner and, thereafter, her dead body was found lying
near the road.

Learned counsel for the petitioner submits that



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case inasmuch as the deceased was second wife of the petitioner and was married to him about ten years back. Learned counsel further submits that during investigation, the independent witnesses have said that brother-in-law of the petitioner had killed his wife due to personal grudge because the petitioner had married to the deceased for the second time.

On the other hand, learned counsel for the State submits that the deceased has been killed by pressing her neck and in the postmortem report the cause of death of the deceased is Asphyxia due to strangulation. Learned counsel further submits that the deceased had accompanied the petitioner who had taken the deceased on Motorcycle and her dead body was found lying on the road. The brother-in-law of the petitioner has confessed his guilt before the Police that he along with the petitioner has killed the deceased.

Having regard to the submissions made by the parties and taking into consideration the materials on



record, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after nine months if the trial does not show any progress.

(Anil Kumar Sinha, J)

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