

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63512 of 2019**

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

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MD. ARMAN, Son of Md. Shabbir, Resident of Village - Gidarganj, P.S.-
Andhrathadhi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 19-02-2020 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 is 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 earlier the prayer for bail of the petitioner was rejected vide order dated 07.01.2019, passed in Criminal Miscellaneous No. 15363 of 2018 whereby liberty was given to the petitioner to renew his prayer for bail, if the trial is not concluded within a period of six months.

It appears that in view of the order of this Court dated 29.01.2020, a report has been transmitted by the learned ADJ-VI, Madhubani, dated 12.02.2020 which reflects that



only two witnesses are left to be examined and prayed for further six month's time to get the trial concluded.

It is further submitted that there is no eye witness to the occurrence and only on the basis of circumstantial evidence, the accusation has been levelled against the petitioner.

Learned counsel for the informant and learned APP for the State submit that the petitioner has confessed the guilt and he had motive to kill the victim.

Considering the fact that it is a case of circumstantial evidence, no direct evidence has been collected during investigation and considering the observation in the earlier rejection order that the petitioner will be at liberty to renew the prayer for bail if the trial is not concluded within a period of six months, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-VI, Madhubani, in connection with S.T. No. 333 of 2017, arising out of Babubarhi P.S. Case No.29 of 2015.

Learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.



It is expected from the trial Court to expedite the trial .

(Dinesh Kumar Singh, J)

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