

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11707 of 2021**

Arising Out of PS. Case No.-993 Year-2019 Thana- ARARIA District- Araria

JABUN TATMA @ JUBAN TATMA @ JAMUN TATMA S/O LAXMI
TATMA R/O VILLAGE-LAHNA, WARD NUMBER 13, P.S.-ARARIA,
DISTRICT-ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ashok Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 14-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Araria P.S.
Case No.993 of 2019 registered for the offence punishable
under Section 302 of the Indian Penal Code.

Allegation against the petitioner is that he has killed his
wife.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. No offence as alleged has ever taken place
in the manner as alleged. He has been falsely implicated in this
case by the police due to ulterior motive. The FIR itself reveals
that neither the informant nor during the course of investigation



any witness come forward to claim as eye witness of the alleged occurrence rather mere on suspicion/confusion the present false case has been brought on record. From perusal of the FIR it also transpires that the daughter of the informant was ill since long back and due to her illness, her health was very poor. On 15.11.2019 she was in very serious condition due to her ill and poor health and she fell down on hard surface and sustained injury in her head and later on succumbed to death. This fact is also supported by the post mortem report. The marriage of informant's daughter was solemnized with the petitioner about 20 years ago and she had four children. Elder son of the petitioner is 16 years old but the police has not recorded the statement of any children. Petitioner has no criminal antecedent and has been languishing in custody since 16.11.2019.

Learned APP for the State opposed the prayer for bail and submits that petitioner is the husband of the deceased.

Considering the submissions of the parties and on perusal of the record including the case diary, it transpires from para-24 of the case diary that one witness has stated that from two-three years, often there was quarrel between the deceased-wife and petitioner and the petitioner used to assault her, as such, I am not inclined to grant bail to the petitioner at present.



The instant application is hereby dismissed.

However, learned trial court is directed to expedite the trial of the petitioner as expeditiously as possible.

(Anjani Kumar Sharan, J)

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