

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30809 of 2021**

Arising Out of PS. Case No.-115 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

MD. GAFFAR Son of Md. Ishaque Mistry Resident of Village - Garvalli, P.S.
Katihar (M), District - Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Humayou Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 03-12-2021

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302 of the Indian Penal Code.

As per the prosecution case, sister of the informant was married to this petitioner 10 years ago. It is alleged that for the last two months due to some illicit relationship of the petitioner with another lady relation between the couple got strained. On the alleged date of occurrence the informant got message that his sister was again assaulted and when he reached Garvalli then he saw his sister lying dead. The informant suspects that this petitioner committed murder of his sister.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. There is no eye witness of the occurrence and only on suspicion this petitioner has been made accused in this case. There is no allegation of demand of dowry and as a matter of fact the couple had been living peacefully for last 10 years and



two children were born from the wedlock. It is further submitted that informant alleged that his sister was killed by throttling but post mortem report shows that cause of death is due to severe neurogenic and hemorrhagic shock as a result of injury on head caused by hard and blunt object. It is submitted that deceased died while she had gone to get water from tube-well and she slipped there and her head collided with the tube well. Petitioner claims clean antecedent and is in custody since 21.05.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, 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 Judicial Magistrate, 1st class, Katihar in connection with Katihar Muffasil PS case No.115/2020.

(Prabhat Kumar Singh, J)

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