

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38708 of 2020**

Arising Out of PS. Case No.-62 Year-2020 Thana- BALIA BELON District- Katihar

FARJANA KHATOON wife of Md. Majlum Resident of Village- Sabanpur,
P.S.-Balìa Belon, District- Katihar

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 38478 of 2020

Arising Out of PS. Case No.-62 Year-2020 Thana- BALIA BELON District- Katihar

MD. MAZLUM @ MAZLUM @ MAZRUL @ MAZRUL HAQUE S/o Late
Azimuddin R/o Village- Sabanpur, P.S.- Balìa- Belon, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38708 of 2020)

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Jadgdhar Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 38478 of 2020)

For the Petitioner/s : Mr.Md. Qumrul Hoda, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 13-07-2021 Heard learned counsel for the petitioner(s) and learned
A.P.P. for the State in both the applications.

Petitioner(s), in the present case, are wife and husband
respectively seeking regular bail in connection with Balìa Belon
P.S. Case No. 62 of 2020 registered for the offence under Section
302/201/34 of the Indian Penal Code, pending in the court of
learned Chief Judicial Magistrate, Katihar. They are in custody
since 29.07.2020.



Learned counsel for the petitioner(s) submits that save and except mere suspicion there is no material to connect these petitioner(s) with the death of the son of the informant. It is submitted that in course of investigation no material has come showing involvement of these petitioner(s), there is no eye witness to the alleged occurrence and as such considering that the investigation is complete the petitioner(s) may be enlarged on bail.

On the other hand, Mr. Jagdhar Prasad and Mr. Raj Kishore Singh, both the learned A.P.Ps. for the State have opposed the prayer for bail of the petitioner(s).

Learned A.P.P. submits that in course of investigation the I.O. has obtained the CDR of the mobile phone of petitioner (in Cr. Misc. No. 38708/2020) and it has been found that petitioner (in Cr. Misc. No. 38478/2020) and the deceased had been talking to abnormal times and altogether 137 phone calls have been found in between 1st of July, 2020 and 23rd of July, 2020. It is informed that the petitioner in Cr. Misc. No. 38478/2020 has disclosed in his confessional statement that there was a love affair in between the petitioner of Cr. Misc. No. 38708/2020 and the deceased Muzakir. The deceased had gone to the house of the petitioner(s) where he was made to stay overnight and thereafter he was killed by sharp cutting weapon.

Considering the facts and circumstances of the case



wherein the informant has alleged that the deceased son of the informant had left his house saying that he was going to the house of these petitioner(s), thereafter he did not return and his dead body was found near the bank of river, and at some distance from the house of these petitioner(s), the scientific investigation discloses that the deceased and petitioner of Cr. Misc. No. 38708/2020 were in regular talk and abnormal times of talk have been recorded, petitioner in Cr. Misc. No. 38478/2020 is the husband of the petitioner in Cr. Misc. No. 38708/2020, there being some materials on the record coming against these petitioner(s) and this being a case of murder, this Court is not inclined to release the petitioner(s) on bail.

Prayer for bail of both the petitioner(s) is, thus, rejected.

Let the trial be expedited and all endeavours be made to conclude the trial within a period of one year from the date of start of normal functioning of the court.

If the trial remains unconcluded for a period of one year, the petitioner(s) may renew their prayer for bail.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

