

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3846 of 2021

Arising Out of PS. Case No.-79 Year-2020 Thana- BARSOI District- Katihar

Md. Harej @ Horej @ Harej S/o Late Azimuddin R/o Village- Guwal Toli,
Kaliya Nagar, P.S.- Barsoi, District- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-05-2021 Heard learned senior counsel Mr. Rajendra Narain assisted by learned counsel Mr. Pawan Kumar Singh for the petitioner and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Barsoi P.S. Case No. 79 of 2020 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

As per the prosecution case which is based on the written statement of the informant *Md. Saiyed Alam*, the allegation



against the petitioner is that he committed murder of his sister *Saheba Khatoon* by giving iron rod blow to her body. It is further alleged that the sister of the petitioner always tortured to his sister and in the present incident *Hurjum Khatoon* (sister of the petitioner) also co-operate and involve to the murder of informant's sister.

It is submitted by learned senior counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that in the present case neither the informant nor any independent witnesses have claimed as an eye witness of the present case. After investigation the Police has filed the charge sheet against the petitioner under Section 304 of the IPC. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of the bail application.

Learned APP for the State opposed the bail petition.

Considering the fact that the petitioner is the husband and *post mortem* report and the other witnesses have supported the prosecution case, I am not inclined to enlarge the petitioner on bail at present.



Accordingly, the bail application is dismissed.

(Anjani Kumar Sharan, J)

GAURAV S./-

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