

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6230 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- PRANPUR District- Katihar

Md. Jakir @ Md.Aklu @ Aklu S/o- Md. Iliyas @ Ilayas R/o- Labha, P.S. -
Pranpur (Roshna o.p.), Distt.- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 10-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Pranpur P.S. Case No. 95 of 2021 registered for the offences
under Sections 302, 120(B)/34 of the Indian Penal Code.

As per FIR, the informant's brother was murdered by
strangulation and the informant alleged that there was illicit
relationship between the wife of the deceased and the petitioner
which was always objected by the deceased and all the villagers
knew the said relationship and on the alleged day of occurrence
the informant saw the petitioner fleeing from the house of the



deceased at the relevant time of the alleged murder.

The main submissions advanced by learned counsel Mr. Sanjeev Kumar Singh for the petitioner are that the FIR itself shows that the informant is not eye witness of the alleged murder and he simply raised suspicion against the petitioner, though during the investigation some witnesses also claimed to have seen this petitioner fleeing from the alleged place of occurrence but they did not reveal the source of identification of the petitioner. Further submission is that the petitioner is 25 years old person and the deceased's wife is much older than the petitioner having three children so the allegation of illicit relationship between the petitioner and the deceased's wife is completely unbelievable, in fact there was enmity in between the petitioner and informant's family due to which the petitioner was falsely roped in the present case. Further submission is that the charges has been framed by the trial Court upon the petitioner and he has clean antecedent.

Learned APP Mr. Md. Aslam Ansari appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and case diary of this case. The present case relates to murder of informant's brother which was committed by throttling and it



has been alleged by the informant that there was illicit relationship between the wife of deceased and this petitioner and at the relevant time of alleged occurrence the informant saw this petitioner fleeing from the house of deceased and during the course of investigation most of the witnesses who are co-villagers of the informant, supported the alleged illicit relationship being between this petitioner and the wife of the deceased and some of the witnesses also supported the allegation made by the informant as to petitioner's fleeing from the deceased's house at the relevant time of occurrence of the alleged murder. Considering these facts and mainly taking into account the seriousness of the allegation appearing against the petitioner this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, his bail prayer stands rejected. The trial Court is directed to expedite the trial of petitioner and conclude the same within nine months, if the trial of the petitioner is not concluded within the stipulated period then the petitioner may renew his bail prayer.

(Shailendra Singh, J.)

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