

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10418 of 2022**

Arising Out of PS. Case No.-123 Year-2021 Thana- MANJHI District- Saran

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KADIR MIYAN @ KADIR HUSSAIN S/o Late Mohram Miyan Resident of
Village- Natwar Gopi, P.S.- Manjhi, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 21-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Manjhi
P.S. Case No. 123 of 2021 registered for the offence under
Section 302/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.07.2021.

The allegation against the petitioner is to commit
murder of sister of the informant, along with other co-accused
persons/family members out of matrimonial disputes.

Learned counsel appearing on behalf of the petitioner



submitted that deceased/wife of this petitioner committed suicide out of family frustration. It is further submitted that no injuries were found, while conducting postmortem, suggesting thereof that victim was not subjected to physical assault soon before the occurrence. It is also submitted that cause of death is **“Asphyxia due to hanging”** also suggesting that death was caused due to suicide. While travelling over the argument, it is submitted that the act of petitioner cannot be said such an active or direct act leading the deceased to commit suicide with leaving no option. It is also submitted that informant is not the eye witnesses of the occurrence and entire allegation is based upon suspicion. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, and by taking of the postmortem report, where petitioner is in custody since 08.07.2021, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Manjhi P.S. Case No. 123 of 2021 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 13, Saran at Chapra/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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