

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29049 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- JOKIHAT District- Araria

Md. Akib Son Of Md. Nazam @ Najam @ Nijam Uddin R/O Village- Uda,
Ward No.-8, P.S.- Mahalgaon, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Jokihat P.S. Case No. 83 of 2021 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code.

As per prosecution case, the informant was brother of one Bibi Farhana and informant stated that he received information that the petitioner and other co-accused persons strangled his sister to death. The occurrence took place in the background of deceased opposing solemnization of second marriage by the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.



The marriage was solemnized 10 years back and out of the wedlock three children have been born. There is no complaint against the petitioner during last ten years. The deceased died due to illness and informant being the brother of the deceased dragged the petitioner in this case to take undue advantage. Charge sheet has been submitted in this case and the petitioner is in custody since 14.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that there is specific allegation that he strangled his wife to death and from the order of rejection, it is apparent that post-mortem report also shows death was due to asphyxia as a result of strangulation.

Having regard to the facts and circumstances and considering the fact that there is direct allegation against this petitioner which is grave and serious and the doctor has also found and also reported that cause of death due to asphyxia as a result of strangulation, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.

The learned trial court is directed to expedite the trial and conclude the same within a year.

(Arun Kumar Jha, J)

Gautam/-

U		T	
---	--	---	--

