

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42119 of 2021

Arising Out of PS. Case No.-145 Year-2020 Thana- BARARI District- Katihar

MD. NAUSHAD S/o Late Intiyaj Ali Resident of Village - Janera Dhar
Banka, P.S. - Barari, District - Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-02-2022 Heard the parties through video conferencing.

Petitioner seeks regular bail in connection with Barari
P.S. Case No. 145 of 2020 registered for the offence under
Section 498 (A), 302 , 120(B) of the I.P.C.

As per the First Information Report the informant
alleged that her marriage was solemnized with the son of the
petitioner namely, Md. Mausim. She further alleged that her
husband wanted to keep the informant with him in her
matrimonial home which was being protested by the petitioner
and other family members and on 18 – 6 – 2020 in the night
informant received information that her husband namely Md.
Mausim (deceased) has been killed by hanging. She has raised
suspicion against the petitioner and other accused persons.

Learned counsel for the petitioner submits that



petitioner is the father of the deceased. The FIR has been lodged by the daughter- in- law of the petitioner alleging that he has killed his son by hanging. Learned counsel further submits that from perusal of the First Information Report it would be evident that only suspicion has been raised against the petitioner and entire family members have been made accused by the informant. Referring to the post mortem report he submits that from perusal of the same it would be evident that deceased has committed suicide and doctor has opined the cause of death “due to asphyxia by hanging”. He further submits that after investigation Police submitted charge sheet under Section 306 I.P.C. and not under Section 302 I.P.C.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the husband of the informant (i.e. deceased) was beaten regularly by the petitioner and other family members for keeping his wife along with him in her matrimonial home and on the fateful day petitioner being the father along with other family members killed the husband of the informant by hanging.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that only suspicion has been raised against the



petitioner during the course of investigation, no material has come against the petitioner connecting him with the offence registered under Section 302 of the IPC, Police has submitted charge sheet under Section 306 of the I.P.C., petitioner is in custody since 29- 3 - 2021, having no criminal antecedent and charge sheet has already been submitted , I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Katihar in connection with Barari P.S. Case No. 145 of 2020 .

(Anil Kumar Sinha, J)

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