

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55373 of 2021

Arising Out of PS. Case No.-889 Year-2020 Thana- MADHEPURA District- Madhepura

Md. Bahaw @ Md. Wahab, Son Of Md. Israil, R/O Village- Vinobagram,
Jankinagar, W. No. 6, P.S.- Jankinagar, Dist.- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 20-07-2022 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 Madhepura (Bharrahi O.P.) P.S. Case No. 889 of 2020 registered for the alleged offences under Section 304 B of the Indian Penal Code.

Prosecution case is that the petitioner, the husband of the deceased daughter of informant, strangled her to death and it has been alleged that the petitioner has been demanding a motorcycle and Rs. 1 lac.

The learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case as the daughter of the informant committed suicide in her parental home. She was a hot tempered lady and used to torture the petitioner in various ways. Learned counsel further submits that the petitioner never demanded motorcycle and Rs 1 lac. The petitioner is in custody since 28.11.2020.

Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioner that he was present in his matrimonial home and was sleeping with his wife and strangled her. All the witnesses in the case diary have supported this fact. Postmortem report shows death due to asphyxia caused by manual strangulation.

Perused the records.

Having regard to the fact that there is specific allegation against the petitioner of causing death of his wife which is supported by the post mortem report, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of one year.

If the trial is not concluded within a period of one



year, then the petitioner may renew his prayer for bail, if so
advised.

(Arun Kumar Jha, J)

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