

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57037 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- MAHISHI District- Saharsa

Md. Sadrul Son of Md. Dukha @ Dukha Sheikh Resident of Village- Bhelahi,
P.S.- Mahishi (Jalai O.P.), District- Saharsa (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-02-2022 Heard learned counsel for the petitioner and Shri
Sanjay Kumar Tiwary, learned A.P.P. for the State.

The petitioner seeks bail in connection with Mahishi
P.S. Case No. 75 of 2021 instituted for the offences under
Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 11.05.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that his sister (deceased) was married to the
petitioner about 25 years ago and out of the wedlock, children
were born, further the deceased on 08.05.2021, informed the
informant that the petitioner assaults her and does not talk,
accordingly the informant, on 09.05.2021, reached the place of



occurrence and found her sister dead and thus alleges that his sister was assaulted by petitioner and others and she was strangled to death.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the marriage was 25 years old and in between these 25 years, not a single case came to be instituted against the petitioner, either by the deceased or by her family members. Learned counsel submits that even the postmortem report does not record that there was any external injury on the body of the deceased rather the viscera has been preserved. Learned counsel further submits that it absolutely does not stand to reason that after 25 years of marriage, the petitioner would kill the deceased. It is submitted that even the F.I.R. does not suggest that the deceased was being tortured rather general and omnibus allegation has been alleged that the deceased informed the informant that the petitioner is not talking to her and assaults her.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 11.05.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and the marriage was 25



years old, let the petitioner above named be released on bail on
furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)
with two sureties of the like amount each to the satisfaction of
learned Additional Chief Judicial Magistrate-II (A.C.J.M.-II),
Saharsa in connection with Mahishi P.S. Case No. 75 of 2021.

(Satyavrat Verma, J)

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