

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6876 of 2022

Arising Out of PS. Case No.-1114 Year-2019 Thana- ARARIA District- Araria

MD. FIROJ ALAM @ FIROJ ALAM @ MD. FIROJ Son of Md. Zahir
Resident of Village - Bilayatiwari Ward no.6, P.S.- Palasi, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Mukesh Kumar Rana, Advocate
	:	Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Araria PS case no. 1114 of 2019 instituted for the offences
punishable under Sections 302, 201 of the Indian Penal Code.

The case of the prosecution as per the First
Information Report is that on 25.12.2019 at about 4:10 pm, the
informant got information that a dead body of one unknown girl
is lying in a pit near Jahangir Basti, whereafter the informant
along with the police force had arrived at the said place of
occurrence, where the informant found a dead body of a girl
having some cuts on her neck and back and from the spot, a
knife and green coloured slippers were recovered.



The learned Senior counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 09.02.2021. The learned Senior counsel for the petitioner has also submitted that since the petitioner had already given *talak* to the deceased victim lady, he has got nothing to do with the alleged occurrence. It is further submitted that the petitioner has been roped in the alleged occurrence with oblique motives.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted by referring to the case diary that the dead body of the deceased was claimed by her father namely Ajimuddin and the fact is that the marriage of the deceased victim lady was solemnized with the petitioner and she had never been divorced. On 23.12.2019 at about 10 am, the deceased victim lady had gone to an A.T.M. for withdrawing money from her account, which is said to have been opened by the petitioner herein, however, she did not return. It is also submitted that there is ample material in the case diary so as to connect the petitioner with the alleged crime and in fact, the call detail records would show that the petitioner had talked to the deceased victim lady 18 times in between



22.12.2019 to 24.12.2019. It is also submitted that the investigation has shown that the petitioner is responsible for giving effect to the said occurrence. Lastly, it is submitted that the petitioner has killed his wife on account of non-fulfilment of the demand for dowry.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that there are ample materials on record to connect the petitioner with the alleged occurrence and *prima facie*, a case is definitely made out *qua* the petitioner herein for having complicity in killing his wife, hence, I do not find any merit in the present petition, accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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