

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20448 of 2023

Arising Out of PS. Case No.-162 Year-2022 Thana- ROSERA District- Samastipur

Md Shahjahan Son Of Md. Bijo Village- Mohiuddinpur Ps- Hasanpur Dist-
Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-07-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363, 364, 365 of the Indian Penal Code and charge sheet has been submitted under Sections 302, 201, 34 of the Indian Penal Code.

As per FIR, the allegation against the petitioner and his wife is that they killed brother of the informant due to previous enmity.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 18.05.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the deceased had gone to the house of the petitioner and dead body of the deceased was recovered from the *Aangan* of this petitioner. During investigation wife of the petitioner confessed her guilt and stated that she and her husband committed murder of the informant's brother by tying *duppata* in his neck after that they buried his dead body in their *Aangan*, which is mentioned in para 57 of the case diary. As per postmortem report, which is also annexed with case diary, wherein doctor opined cause of death is asphyxia due to strangulation.

Having heard the learned counsel for the parties and considering the facts and circumstances that there is direct allegation against the petitioner of committing murder of the informant's brother, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for



bail stands rejected.

The trial Court is directed to expedite the trial and
conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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