

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22210 of 2022

Arising Out of PS. Case No.-331 Year-2021 Thana- CHANPATIA District- West Champaran

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SAMSHAD ALAM S/o Khurshed Alam @ Sheikh Khurshed Resident of
Village - Senwariya, P.S. Chanpatia Sirisiya O.P., District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Chanpatia (Sirisiya O.P.) P.S. Case No. 331 of 2021 registered
for the offences punishable under Section 302/34 of the Indian
Penal Code.

As per prosecution case, marriage of informant's
daughter was solemnized with the petitioner in the year 2013
and informant gave 6 katha land and also made construction of
house. It is further alleged that pressure was being made upon
the informant's daughter to register the said land in the name of
father-in-law of informant's daughter. It is further alleged that



on 23.06.2021, the informant got secret information that his daughter was beaten by her in-laws and when the informant reached at Sasural of her daughter, he did not find her daughter there. On 25.06.2021 the informant got information that his daughter has been killed.

Learned counsel for the petitioner submits that petitioner is in custody since 27.07.2021 and bears no criminal antecedent. Learned counsel further submits that charge sheet has been submitted in the case under Section 306/34 of the IPC and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has falsely been implicated in the case just because he is husband of the deceased. Petitioner has nothing to do with the alleged occurrence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that petitioner is husband of the deceased and the allegation of torture has been made against him as a result of which victim died and the postmortem report reveals that cause of death is asphyxia due to hanging.

Considering the facts and circumstances of the case, petitioner is husband of the deceased, nature of allegation levelled against the petitioner coupled with postmortem report



as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

However, the petitioner may renew prayer of bail after nine months from the date of receipt/production of copy of this order to the court concerned, if there is no substantial progress in the proceeding of trial within the stipulated period.

(Alok Kumar Pandey, J)

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