

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26645 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- NAWADA District- Nawada

Abdul Kayum Seikh @ Md. Abdul Kayum Shekh @ Md. Quiyum S/o Late
Mohammad Nadir R/o Mohalla- Azad Nagar, Bhadauni, P.S.- Nawada,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv Mr. Pankaj Kumar Sinha
For the State	:	Mr. Pushpa Sinha, APP
For the informant	:	Mr. Manish Kumar No. 2, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 11-01-2023 Heard learned counsel for the petitioner and learned APP
for the State as well as learned counsel for the informant.

This Court would expect that the petitioner's Counsel
would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Nawada Town
P.S. Case No. 71 of 2022 registered under Sections 302, 120(B)
and 34 of the Indian Penal Code.

As per F.I.R, informant's sister was married with one Md.
Shamsher 10 years back. They were blessed with three children.
It is alleged that she was being mistreated and the husband was



staying abroad. The informant further goes on to allege that he has received information that his sister has been done to death by her in-laws, including the petitioner (father-in-law) and other co-accused persons. The motive is that the petitioner has been found in a compromising position with some female and a video recording was taken by victim. Due to these facts, the in-laws, including the petitioner committed the killing.

Learned counsel for the petitioner submits that petitioner is father-in-law of deceased. He is aged about 75 years and it is submitted that the victim's daughter's statement under Section 164 of Cr.P.C has been recorded, long after the occurrence. There is sufficient material to show that the victim was not being mistreated by the husband, who was regularly transmitting money to the victim, which is apparent from the bank statement. Petitioner is stated to be in custody since 23.01.2022.

Learned APP as well as learned counsel for informant has opposed the prayer for bail. It is submitted that the neighbours and other independent witness have supported the prosecution case, including the allegation regarding the video clip being prepared by victim, forming the motive for her killing. The cause of death has also been found to be Asphyxia due to



strangulation. Intimation of her death was not given to the informant's family by in-laws.

Considering the nature of material on record, including the statement of the nine year old daughter of the victim recorded one day after the occurrence under Section 161 as well as Section 164 of Cr.P.C, some time later, this Court, for the present, is not inclined to allow petitioner's prayer for bail. The same is rejected.

The application for bail is thus dismissed.

(Madhuresh Prasad, J)

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