

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28432 of 2023

Arising Out of PS. Case No.-57 Year-2021 Thana- TERHAGACHH District- Kishanganj

Md. Sarfaraz Alam @ Sarfaraz Alam Son Of Md. Taiyab Resident Of
Debritola,Ps- Bibiganj, Distt- Terhabachh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 31.08.2021 in connection with Terhagachh P.S. Case No. 57 of 2021, F.I.R. dated 30.08.2021 for the offences punishable under Sections 304(B)/34 of the Indian Penal Code but the police submitted charge sheet under Section 302 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with his family members killed the daughter of the informant on the pretext of non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the informant is not the eye witness of the alleged occurrence and



the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that except the confessional statement of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and confessional statement of the petitioner lead to recovery of the weapon from the possession of the petitioner which was used by the petitioner for committing murder of his wife.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Terhagachh P.S. Case No. 57 of 2021 pending in the court of learned Sessions Judge, Kishanganj.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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