

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58574 of 2023

Arising Out of PS. Case No.-24 Year-2022 Thana- BARGAINIA District- Sitamarhi

Sheikh Nazrul Son Of Sheikh Sattar Resident Of Vill - Akhta Lohari Tola
Chakwa, P.S. - Bairganja, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-12-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 304(B) and 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he committed murder of his wife in connivance with other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is the husband of the deceased due to which he has falsely been implicated in this case. It is further submitted from para-11 of this petition that initially case has been



registered under Section 304(B) and 34 of IPC but later on during the course of investigation, police submitted charge sheet under under Section 306 and 34 of the IPC. The petitioner was not present at the place of occurrence and this is a case of suicide. It is apparent from FIR that the marriage of the deceased was performed with this petitioner 13 years ago so no case is made out under Section 304(B) of the IPC. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. From perusal of the postmortem report, it is mentioned that the cause of death of the deceased is due to asphyxia as a result of hanging produced by rope like substance. Moreover, the petitioner is languishing in judicial custody since 06.06.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge if the charge is not framed** in connection with Bairgania P.S. Case No. 24 of



2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi.

(Sunil Kumar Panwar, J)

Shubham/-

U		T	
---	--	---	--

