

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62313 of 2023

Arising Out of PS. Case No.-172 Year-2020 Thana- PHULWARISHARIF District- Patna

JUNAID KHAN @ TUNNA S/O KARIMULLAH KHAN @
KALIMULLAH VILLAGE- GULISTAN MOHALLA, PS-
PHULWARISHARIF, DIST- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Senior Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-10-2023 Heard Mr. N.K. Agrawal, learned Senior Counsel for
the petitioner and learned APP for the State.

The petitioner is in custody in connection with Sessions Trial Case No. 170 of 2022 arising out of Phulwari Sharif P.S. Case No. 172 of 2020 for the offence under Sections 302 and 420 of the Indian Penal Code lodged on 07.03.2020 by the informant, Akbari Khatoon.

As per the prosecution story, the petitioner and the deceased were husband and wife residing under the same roof. Allegation is that she was married a month ago to the petitioner although they were in a relationship for the last three years. The petitioner wanted the lady to part away with the land she was holding. As the lady refused to comply his order, she was



regularly beaten. The lady had two children from the first marriage and one of them also narrated to the informant that the petitioner was asking for Rs. 80,000/- and upon refusal by the deceased, there was quarrel in the night itself. Next morning, as the children went to school, it is alleged that the petitioner killed the lady with the scissor.

Specific allegation against him has been made in the First Information Report that failure on the part of the lady to part away with a landed property made the petitioner angry and he accordingly killed her. Accordingly, the FIR.

Earlier the case of the petitioner was heard and rejected on 27.04.2022 in Cr. Misc. No. 52136 of 2021.

Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide Letter no. 367 dated 04.10.2023 according to which, the charges have been framed and the case is presently pending for prosecution evidence.

Considering the allegation that has come against the petitioner for the present, this Court is not inclined to extend him privilege of bail, which is accordingly rejected.

The Trial Court is directed to expedite the trial and conclude the same within a period of nine months from today



failing which it shall be submitting a report assigning reason for
non conclusion.

(Rajiv Roy, J)

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