

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68609 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- KOTWALI District- Patna

MD. BABLU @ ZAKIR HUSSAIN @ BABLU S/o Late Md. Safiq @ Md. Shafik R/o- Kamla Nehru Nagar (Jhopdadpatti) Near Naala, Adalatganj, Post-GPO, P.S.- Kotwali, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakib Ayaz, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-03-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Kotwali P.S. Case No. 142 of 2022 registered for the offence under Sections 498(A), 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 23.03.2022.

The allegation against the petitioner is to commit murder of his wife, who is the sister of informant, due to family dispute, where, allegation was raised regarding illicit relation of petitioner with one Nasimiya Khatoon.



Learned counsel appearing on behalf of the petitioner submitted that this is not a case of murder rather it is a case of suicide, where, police has submitted charge-sheet, after investigation of this case, under Section 306 of the Indian Penal Code. It is also submitted that nothing appears, during course of investigation, which may suggest that act of petitioner is of so active or direct, which may leading the deceased to commit suicide, left with no option. It is also submitted that cause of death was asphyxia, due to hanging, where, no external injury were noticed during postmortem upon the deceased, suggesting that she was not subjected to physical violence, soon before the occurrence, as alleged. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of fact that charge-sheet submitted under Section 306 of the Indian Penal Code, where, nothing surfaced, during course of investigation, which may suggest that act of this petitioner is so active or direct on its face, which may



force his wife to commit suicide coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Kotwali P.S. Case No. 142 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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