

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72287 of 2022**

Arising Out of PS. Case No.-38 Year-2022 Thana- MORO District- Darbhanga

MD. USMAN Son of Md. Harun R/v- Ratanpura, P.S.- Moro, District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjeet Patel

For the Opposite Party/s : Mr. J.N.Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

CAV ORDER

5      01-05-2023                      I have already heard the learned counsel for the petitioner as well as the learned APP for the State assisted by the learned counsel for the informant.

In this case, the petitioner is seeking regular bail in connection with Moro P.S. Case No. 38 of 2022, registered for the offences punishable under Sections 306 of the Indian Penal Code.

The petitioner is father of the deceased Falak Afrin aged about 22 years. He gave an information to the police station about the drowning of his daughter Falak Afrin in Bagmati river, on the basis of that information UD Case No. 2 of 2022 was registered. During investigation it was detected that the petitioner scolded and badly assaulted his daughter since she refused her marriage which was against her will on the ground of the bride-groom was an over-aged person. She committed suicide.



The learned counsel for the petitioner has submitted that the petitioner is innocent. He had affection with his daughter and there is no question that he would scold her resulting into her suicide. He has submitted further that as a matter of fact the petitioner has falsely been implicated at the instance of his wife who was not living with him but living with someone else. The learned counsel has also submitted that the audio clip which has become viral was not tested in the laboratory. In that audio clip, the shouting voice of the deceased was captured.

On the other hand, the learned APP as well as the learned counsel for the informant have opposed the prayer for bail and have submitted that the second daughter of the petitioner is an eye witness, she had seen the petitioner and his brother assaulting the deceased and she was shouting. As a matter of fact, the petitioner noticed the deceased talking with someone, thereafter, he along with his brother started badly assaulting the deceased. The mobile phone of the deceased was on switch-on mode and her voice was recorded in the mobile phone of caller wherefrom the clip was detected. His second daughter in paragraph No. 27 of the case diary (as mentioned in the impugned order) has stated that the petitioner was beating her sister (deceased) in the intervening night of the occurrence. On the next day, her dead body was found. His wife has also corroborated the allegation and this petitioner



himself has furnished his self-inculpatory confessional statement confessing his guilt.

The material witnesses of this case are none else than the wife and daughter of the petitioner himself. They have fully corroborated the allegation against the petitioner. The submission of the learned counsel for the petitioner is that his wife was a lady of loose morale and was living with another person was not believable because the impugned order itself shows that when the bail petition of the petitioner was argued in the lower court, the learned counsel for the petitioner in the lower court has submitted that the petitioner had affection with his wife and children. Had he affection to his wife he should not have levelled such kind of nefarious allegation against her.

In my view, the petitioner does not deserve the privilege for bail. Accordingly, it is rejected.

It is expected that the trial shall be concluded within one year and if it is not concluded, the petitioner, if so advised, may renew his prayer for bail.

**(Nawneet Kumar Pandey, J)**

Sudha/Sonali

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