

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6710 of 2024

Arising Out of PS. Case No.-91 Year-2022 Thana- SHRI NAGAR District- Madhepura

Md. Israfil S/O Md. Videshi Village- Pokharia, Ward No. 01, Ps.- Shri Nagar,
Dist. Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate
For the State : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second attempt for bail of the petitioner as earlier such prayer was rejected by order dated 28.07.2023 in Cr. Misc. No. 14299 of 2023.

3. The petitioner seeks bail in connection with Shri Nagar P.S. Case No. 91 of 2022 registered for the offence punishable under Sections 302 and 201/34 of the Indian Penal Code.

4. The bail of the petitioner was rejected by order dated 28.07.2023, which reads as follows:

“Heard the learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Shri Nagar P.S. Case No. 91 of 2022 registered for the offence under Sections 302,



201/34 of the Indian Penal Code.

As per the prosecution case, Md. Sonu is the informant of the present case. He has filed F.I.R. saying that he he married his sister namely Murshida Khatoon with one Md. Jibrail. Md. Jibrail used to assault and torture his wife and his family members used to participate in the assault and torture. On 06.08.2022, the dead body of the Murshida Khatoon was recovered on the bridge and when the informant went to the house of Murshida Khatoon then he found that the head of the niece of the informant namely Jiya Khatoon aged about one and half year was there in the house and the head was found kept on the table. The police was informed and thereafter the investigation proceeded.

Learned counsel for the petitioner submits that the petitioner is in custody since 22.08.2022, he is quite innocent and has not committed any offence.

Learned A.P.P. has vehemently opposed the prayer for bail.

I have considered the submissions of the parties.

During investigation, Md. Israil was arrested by the F.S.L. team and blood was found on his clothes.

Two persons have been brutally killed. One of them was one and half year old girl. The petitioner is said to have participated in the killing.

When two persons were killed in the house and the petitioner was staying in the same house, it was his duty along with other family members to inform the police if he is really innocent. None of the family members of the deceased including the accused persons have informed the police about the alleged crime.

In a case of such double murder, I am not inclined to grant bail to the petitioner.

Accordingly, this application stands dismissed.

The Court below is directed to expedite the trial of the petitioner.”



- 5. I find no ground to review my earlier order.
- 6. This application is dismissed again.
- 7. The Court below is directed to expedite the trial of the petitioner.

(Sandeep Kumar, J)

P. Kumar

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