

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73834 of 2023

Arising Out of PS. Case No.-405 Year-2022 Thana- AMARPUR District- Banka

Md. Sakil, aged about 40 years, Male, Son of Late Md. Khalil @ Late Md. Jalil, Resident of Village-Mahgama, Police Station-Amarpur, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 20-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Amarpur PS Case No. 405 of 2022 instituted for the offences
punishable under Sections 302/34 of the Indian Penal Code

3. As per the prosecution case, the informant married
his daughter namely Bibi Jainab three years before with Md.
Sakil and one child was born out of his wedlock. After some
years of marriage, the mother-in-law and husband of the
daughter of the informant started abusing and assaulted her over
trivial issues. On 21.07.2022, the informant got information
over his phone by the villagers that his daughter has been killed
by her mother-in-law and her husband and when he reached



there he saw the dead body of his daughter. It is firm believe of the informant that both the accused persons have killed her daughter by cutting her with axe.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. Petitioner is the husband of the deceased. It is evident from the FIR that the deceased having a male child and he is the best witness of the occurrence but statement of the child has not been recorded by the investigating officer. Petitioner is named in the FIR. From perusal of the FIR, seizure list, postmortem report and impugned order passed by the learned Additional Sessions Judge-1st, Banka dated 15.07.2023, it appears that petitioner has murdered his wife by axe and the said axe has been recovered from the possession of the petitioner. Seizure list is on the record and signature is also on the seizure list and cause of death mentioned in the postmortem that the deceased died due to Haemorrhage, Shock and the internal injury caused by sharp hard and heavy substance. Petitioner is in custody since 22.07.2022.

5. Learned APP opposes the prayer for bail.

6. In this circumstances, *prima facie*, it is a case of direct allegation for committing the murder of the deceased, I



am not inclined to grant bail to the petitioner.

7. Prayer for regular bail of the petitioner is hereby rejected.

8. However, learned trial Court is directed to conclude the trial within a period of one year from the date of receipt of this order, if not concluded, the petitioner shall be at liberty to renew his prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

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