

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80146 of 2023**

Arising Out of PS. Case No.-5 Year-2023 Thana- HUSSAINGANJ District- Siwan

NAZIR HUSSAIN, MALE, AGED ABOUT 29 YEARS, SON OF UMAR
ALI MIYAN RESIDENT OF VILLAGE - MACHKANA, POLICE
STATION - HUSSAINGANJ, DISTRICT - SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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

ORAL ORDER

5 18-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Hussainganj P.S. Case No.05 of 2023 registered for the offence
under Sections 304(B), 302/34 of the Indian Penal Code and
Sections 3/4 of the D.P. Act.

3. Allegation against this petitioner is to have
committed murder of daughter, namely, Rehana Khatoon of the
informant due to non-fulfillment of demand of dowry along
with other co-accused persons.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been



implicated in the present case, where, petitioner is husband. It is submitted that this petitioner never demanded any dowry and harassed the deceased being husband. It is also submitted that no incriminating articles have been revived against this petitioner during course of investigation which may connect him with the present set of murder. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 08.01.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner is husband of the deceased and main accused of the present case.

6. In view of the allegation, as made above, as it appears from FIR and impugned order that dead body of the deceased has recovered from the house of this petitioner and from perusal of postmortem report it appears that cause of death of the deceased is due to asphyxia resulted into anti mortem injury caused by strangulation, where, petitioner is husband and main accused of the present case and charge has already been framed by the learned trial court, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer of bail of the petitioner is rejected herewith.



8. However, learned trial court is directed to conclude the trial within a period of one year from the date of receipt of a copy of this order.

(Ramesh Chand Malviya, J)

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