

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5623 of 2025

Arising Out of PS. Case No.-61 Year-2024 Thana- MAHALGAON District- Araria

ISMAIL @ Md. Ismail Nawaz S/o Azimuddin R/o Village- Malhoriya, P.S.-
Mahalgaon, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar, Advocate
For the State	:	Mrs.Nirmala Kumari, APP
For the Informant	:	Mr. Md. Ziaul Quamar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioner seeks bail in connection with Mahalgaon P.S. Case No. 61 of 2024 registered on 02.07.2024 for the offences under Sections 103(1) and 3(5) of the B.N.S.

3. As per prosecution case, petitioner was married with sister of the informant ten years back and allegation against the petitioner is that he used to assault and quarrel with his wife on trivial issues. On the fateful night, the petitioner and co-accused persons assaulted the sister of the informant with iron rod and *lathi* making her unconscious. Thus, the petitioner and others killed the sister of the informant and left her dead body on verandah and absconded from the house.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No offence as alleged has ever taken place. The petitioner and deceased were blessed with two children and there was no occasion for the petitioner to cause death of his wife. On the fateful day, some quarrel took place between the petitioner and his wife and they went to sleep and in the midst of night, all of sudden the wife of the petitioner tried to commit suicide by hanging herself and she was taken to hospital by the petitioner and his family members but she could not be saved. Learned counsel further submits that post-mortem report does not show cause of death as opinion has not been expressed and viscera has been preserved. Even from chemical examination report, cause of death could not be ascertained. There is no role of the petitioner in the death of his wife and at the best it is a case of Section 108 of B.N.S. Petitioner is in custody since 22.10.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned A.P.P. as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that sister of the informant died in her



matrimonial home and charges are quite serious against the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no opinion has been given about death of the wife of the petitioner and further considering distinct lack of material to show the involvement of the petitioner in causing death of his wife also considering the clean antecedent of the petitioner coupled with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria/concerned court in connection with Mahalgaon P.S. Case No. 61 of 2024, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled by
the court concerned.

(Arun Kumar Jha, J)

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