

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21145 of 2025

Arising Out of PS. Case No.-69 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Md. Shahnwaj Hussain @ Sonu S/O Md Rahmat R/O Village- Damodarpur,
P.S- Bibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahid S/O Noor Mohammad R/O Village- Shreepur, P.S- Cheriya
Bariyarpur, Distt.- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Saroj Kr. Sharma, Advocate
		Mr. Anupam Bahadur, Advocate
		Mr. Vikash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-06-2025 Heard Mr. Mritunjay Kumar, learned counsel for

the petitioner, Mr. Saroj Kr. Sharma, learned counsel appearing

on behalf of the informant as well as Mr. Ganesh Prasad Singh,

learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
06.12.2024 in connection with Bibhutipur P.S. Case No. 69 of
2024, F.I.R. dated 07.03.2024 for the offences punishable under
Sections 304(B), 120(B) and 34 of the Indian Penal Code.

3. According to prosecution case, this petitioner killed
his wife who happens to be the daughter of the informant due to
non-fulfillment of demand of dowry.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that he is husband of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R that the informant is not the eye witness of the alleged occurrence and he has falsely implicated only on the ground of suspicion and the allegation is not supported by the medical evidence. He further submits that the co-accused, namely, Tabbasum Praveen @ Tabbasum is sister-in-law and co-accused, Nasima Vegam @ Nasima Bibi @ Nasima Begam is the mother-in-law of the deceased have been granted bail by this Court.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor on the basis of material available on record and the case diary have vehemently opposed the prayer for bail of the petitioner and submits that the postmortem report of the deceased reveals that the cause of death is :-

“External finding – Dark brown coloured mark 1 country made breadth, horizontal mid neck all around the neck.



Cause of death – Cardio respiratory failure due to shock of hypoxia as a result observers of strangulation.”

Apart from that internal injury was also found on the person of the deceased.

“Internal – on dissection subcutaneous tissue below neck mark is echymosed, Trachea in neck congested.

All viscera congested, Heart both side congested, Right side full left side empty.

Stomach contain mucous fluid.

Intestine contain fecal matter, gases.

Urinary bladder empty.

Uterus – non gravid and normal in size .

Trachea smell normal.”

6. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Bibhutipur P.S. Case No. 69 of 2024 pending in the court of learned Sub Divisional Judicial Magistrate, Rosera, Samastipur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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