

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43211 of 2024**

Arising Out of PS. Case No.-230 Year-2023 Thana- SAKRA District- Muzaffarpur

Md. Ali Hussain @ Ali Hussain S/O Md. Subjan R/O VILLAGE  
GANIPURA, BEJHA P.S. SAKRA DISTRICT MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                       |
|--------------------------|---|-------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Aquaib Khan, Adv.<br>Mr. Shahrukh Shiddiqui, Adv. |
| For the Opposite Party/s | : | Mr. Anil Kr. Singh No. 1,APP                          |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

11      31-07-2025                      Heard the parties.

2. The petitioner seeks bail in connection with Sakra  
P.S. Case No. 230 of 2023 registered for the offence under  
Sections 302/34 of the I.P.C.

3. The petitioner is named in the F.I.R. and is in  
custody since 05.06.2023.

4. The allegation against the petitioner is to commit  
murder of wife due to non-fulfillment of demand of dowry.  
Occurrence took place after 8 years of marriage.

5. Learned counsel appearing on behalf of the  
petitioner submitted that this is not a case where death of  
wife of petitioner took place inside the matrimonial home



rather her dead body was recovered from pond, whereupon *post-mortem* it appears that she was strangled to death. It is submitted that after unfortunate instance the entire family was prosecuted by in-laws under the garb of general and omnibus allegation *qua* allegation of raising of demand of dowry. Traveling further, it is submitted that despite of more than 2 years of custody not even a single witness was examined before the learned trial court and as such petitioner cannot be kept behind the bar for indefinite period of time in want of trial. Speedy trial is a fundamental right of the petitioner and in support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Hussainara Khatton and Ors. vs. Home Secretary, State of Bihar*** as reported in ***(1980) 1 SCC 81***. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that petitioner is husband and though dead body



was recovered from pond the same was near to the house of the petitioner.

7. Let it be so, as petitioner remains in custody since 05.06.2023, where not even a single witness could examined before the learned trial court till date, suggesting that trial is not likely to be concluded in near future, accordingly petitioner above named, is directed to be released on bail in connection with Sakra P.S. Case No. 230 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM XV (East), Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

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