

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73263 of 2024

Arising Out of PS. Case No.-378 Year-2023 Thana- BAHADURGANJ District- Kishanganj

Jakir Alam @ Md Jakir @ Jakir S/o Taskir Alam @ Late Taskir R/o Mohalla-
Gangi Hat Salampur Gangi, P.S. and District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 22-01-2025 Heard Mr. Diwakar Sinha, learned counsel appearing
for the petitioner and Mr. Md. Matloob Rab, learned APP for the
State.

2. The petitioner apprehends his arrest in connection
with Bahadurganj P.S. Case No.378 of 2023 dated 20.11.2023
registered for the offences punishable under Section 302 read with
Section 34 of the Indian Penal Code.

3. As per the prosecution story, the informant stated that
on 17.11.2023 at about 8:00 a.m., he received a call informing that
his sister was lying dead in the courtyard (*angan*) of her house
after which he rushed to his sister's house and found her dead
body with mark on her neck and a bleeding nose.

4. The main submissions advanced by petitioner's
counsel are that the petitioner is the brother of the husband of the
deceased, the FIR shows that the petitioner himself took the victim



to the hospital and there is general and omnibus allegation against the petitioner. It is further submitted that as per the FIR, the alleged occurrence took place on 17.11.2023 but the FIR was lodged 20.11.2023 without explaining the said delay of three days and during investigation, the witnesses stated that the petitioner has been residing separately from the husband of the deceased, in fact, the deceased herself consumed poison.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the seriousness of the allegation which relates to the unnatural death of the victim in the house of this petitioner and as per the postmortem report of the deceased, some contusions were found on the body of the deceased and the cause of death of the deceased was opined due to asphyxia and shock as a result of smothering and further, as per the informant, after giving birth of four female child by the victim, the petitioner and his mother started torturing her and the case is under investigation, in my opinion, it is not a fit case for anticipatory bail to the petitioner, accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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