

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.37762 of 2010
MD.JABIR @ JABIR @ WAKIL
Versus
STATE OF BIHAR

03. 30.11.2010 Petitioner is languishing in custody since 22.03.2010 in a case registered under Sections 302, 201/34 I.P.C.

It is alleged that the petitioner had physical relationship with the victim prior to the marriage as a result of which she conceived but subsequently the petitioner married with the victim. One day prior to the occurrence the petitioner took the victim on the pretext of visiting circus and next morning the dead body of the victim was recovered with bruise injury of 1' x ½' around the neck.

It is submitted by learned counsel for the petitioner that there is no eye witness to the actual occurrence and most of the witnesses who supported the case of last seen are the family members of the victim. Moreover there appears no motive for the petitioner to commit the crime.

A supplementary affidavit has been filed to the effect that the mother of the petitioner has died on 26.10.2010 and petitioner has to participate in the last rituals.

Learned counsel for the State submits that

several witnesses have seen the victim in the company of the petitioner and the petitioner has subsequently confessed his guilt, though in the confession it is alleged that the victim was killed by two other persons. It is further submitted that after investigation the accusation has been found true and the chargesheet has been submitted.

It is submitted by learned counsel for the petitioner that at best the case is of last seen and the investigation is complete. Moreover the petitioner undertakes to appear on each and every date.

Considering the fact that there is no eye witness to the occurrence and the dead body has been recovered from the road, let the petitioner namely Md. Jabir @ Jabir @ Wakil, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kishanganj in connection with Bahadurganj P.S. Case No. 19 of 2010.

Learned Court below will be at liberty to cancel the bail bond of the petitioner if the petitioner fails to appear on three consecutive dates.

(Dinesh Kumar Singh, J.)

Shageer