

In the Court of Sessions Judge, Supaul
B.A.-420/2026
(Arising out of Chhatapur P.S. Case No.216/2024)

	Md. Dilshad, S/o- late Baijul, R/o- Mohanpur, Ward No.3, PS- Chhatapur, District-Supaul; Accused/Petitioner Vs. State of BiharO.P.	
<u>08/07/26</u>	Ld. Counsel for petitioner Sri. Sanjay Kumar Singh, Advocate. Ld. APP Sri. Amar Kumar Das, for the State. By this order we are going to dispose off the bail application filed on behalf of the accused/petitioner, namely Md. Dilshad, who is in judicial custody since 09.05.2026 in connection with Chhatapur PS Case No.:– 216/24, u/s- 103(1), 3(5) of B.N.S. Ld. counsel for the accused/ petitioner argued that accused/ petitioner is quite innocent and has committed no crime and he has falsely been implicated in this case due to local politics and enmity. He further submitted that accused/ petitioner is not involved in any other case and having the clean antecedent. He further submitted that the offence as alleged in FIR is not applicable against the accused/ petitioner. It is also submitted that accused/ petitioner is in judicial custody since 09.05.2026 and no useful purpose would be served by keeping the accused/ petitioner behind the bar. Ld. APP for the State strongly opposed the prayer of bail application. In brief, the prosecution story is that on dated 06.07.2024, a hand written <i>Fardbyan</i> was given by the informant, namely Md. Naushad to the police of PS Chhatapur, that the marriage of his sister namely Budhani Khatoon was solemnized with Md. Dilshad in the year 2016 as per the Muslim Rites and Customs. After the marriage, she gone to her matrimonial home and the couple was also blessed by 5 children. The informant further alleged that his sister was mentally and physically tortured by the family members of her matrimonial home. He further alleged that on 04.07.2024 at about 08:00 P.M., the accused namely Md. Dilshad and his other family members namely Md. Ahsan, Md. Naushad, Md. Parveej Alam, Samsoon Khatoon, Surali Khatoon, Samina Khatoon and Sajida Khatoon demanded the dowry from his sister and all the accused persons assaulted her by stick and iron-rod thereby she sustained several injuries mark on her body. The accused Md. Ahsan instigated the other accused persons and accused Md. Dilshad put the rope in her neck and strangled her. The accused persons also assaulted her by iron-rod on her hand and on leg. The accused persons locked her children in another room. The informant further alleged that after causing the death of his sister, the accused Dilshad hanged her from the <i>Bim</i>. When the informant received this information and he reached there and found dead body of his sister and the police was informed. The police has taken the dead body in his possession and sent for postmortem. Argument heard from both sides and perused the record as well as case diary.	Contd.

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Admittedly, this accused/ petitioner is in judicial custody since 09.05.2026. On perusal of the case diary, it transpires that the police has recorded the statement of witnesses namely Md. Subhan, Md. Jamsher, Md. Sabul, Sahina Khatoon, Rukhsana Khatoon and Md. Shamsheer and all the witnesses have supported the contention of the informant. On going through the death summary report, the police has also found the injury mark on the neck and below the eyes and around the lip. As per postmortem report the doctor has found the **External Injury:-** scalp intact, eyes close, frothing discharge from the mouth, bleeding from both nostrils, a thin ligature mark present on throat, nearby horizontal covering anterior 2/3 of whole circumference of neck, thickness 0.75 cm nearby, the colour of ligature mark is brownish black and **Internal Injuries:-** in dissection of brain cranium intact, brain malle intact congested, on dissection of throat hyoid and thyroid cartilage intact, petechial hemorrhage present under the ligature mark, on dissection of thorax and abdomen all viscera are congested and intact. However, the doctor has reserved the opinion. Admittedly, this accused/ petitioner is the husband of the deceased. Though as per the FIR, the marriage of the deceased was solemnized with this accused/ petitioner in the year 2016 i.e., before 7 years ago, but as per the statement of the witnesses the deceased was subjected to cruelty and harassment for dowry. The ocular evidence given by the informant about the inflicting injury to the deceased is also corroborated by the postmortem report as the doctor has found bleeding from both the nostrils and a thin ligature mark present on the throat nearby horizontal covering anterior 2/3 of whole circumference of neck, thickness 0.75 cm nearby, the colour of ligature mark is brownish black. The allegation against this accused/ petitioner is direct and specific and the investigation of this case is in primary stage. The tempering of the prosecution evidence also cannot be ruled out.

Hence, taking into consideration the seriousness of the allegation, I find that the accused/ petitioner is not entitled to be enlarged on bail. Therefore, the bail application, filed on behalf of accused/petitioner, namely Md. Dilshad stands, **Rejected.**

Dictated
-Sd-
(Anant Singh)
Sessions Judge, Supaul