

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31764 of 2015

Arising Out of PS.Case No. -54 Year- 2013 Thana -DORIGANJ District- SARAN

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JAGMOHAN RAI SON OF VISHWANATH RAI, RESIDENT OF
VILLAGE JAGDISHPUR, P.S.-KHAIRA, DISTRICT-SARAN AT
CHAPRA.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

For the Opposite Party/s : Mr. Dr. Indivar Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 14-10-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Petitioner is the husband of deceased. Dead body was recovered from a river and as per postmortem report, the death was on account of asphyxia due to strangulation. Para-63 contains the statement of Guriya Kumari, daughter of deceased as well as petitioner on this very score.

It has been submitted on behalf of petitioner that deceased, while was pregnant developed some sort of complicity and on account thereof, died on 24.05.2013. To support the same Annexure-2 a certificate has been filed. It has also been submitted that the prosecution party intentionally, on account of dispute having in between over question of maintenance of son and daughter of deceased, searched out a dead body of a stranger being in decomposed condition and claimed it to be that of his sister. So, submitted that petitioner's prayer for bail be acceded with.

From the postmortem report, it is evident that though doctor had opined that the dead body was in advance stage of decomposition but it had not been observed that the dead body was non-identifiable.

Taking into account the nature of allegation in consonance with the status of the petitioner to be husband, prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

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