

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44221 of 2016

Arising Out of PS.Case No. -216 Year- 2015 Thana -BAJPATTI District- SITAMARHI

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Md. Umaid @ Md. Ubaid son of Md. Ali, Resident of Village-Barbari,
P.S.- Bajpatti, District-Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 16-12-2016 Heard Mr. Ashhar Mustafa, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The petitioner, husband of the deceased and is in custody since 09-08-2016, has prayed for grant of bail in Bajpatti P.S. Case No. 216 of 2015 registered for offence under Sections 323, 120(B), 498(A), 304(B), 34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act, 1961.

It was submitted by learned counsel for the petitioner that wife of the petitioner, who was at Bombay where the petitioner was residing for his livelihood, died due to Dengue & other disease. After her death, her dead body was carried by flight and in presence of the informant side, the dead body was buried, but before burial, *post-mortem* examination was conducted. Even



in *post-mortem* examination, no external injury was noticed.

Learned counsel for the petitioner has placed reliance on **Annexure 3 series** to the supplementary affidavit i.e. medical certificate of cause of death initially issued by the Municipal Corporation of Greater Mumbai and certificate issued by the Medical Officer of Mumbai to show that cause of death was Cardio-Respiratory Arrest, Dengue and Jaundice. He submits that though death had occurred on 12-08-2015, belatedly a complaint was filed on 25th August, 2015, which was referred to the police for its registration and investigation under Section 156(3) of the Cr.P.C. and thereafter, an F.I.R., vide Bajpatti P.S. Case No. 216 of 2015, was registered on 01-12-2015.

In this case, earlier case diary was called for.

Learned Addl. Public Prosecutor, by way of referring to certain paragraphs of the case diary, submits that the witnesses during investigation have supported the prosecution case.

Besides hearing, I have also perused the materials on record, particularly the *post-mortem* examination report. This Court has also noticed Annexure 3 series to the supplementary affidavit, which suggests that it was not an unnatural death, but death was caused due to Dengue, Jaundice and Respiratory failure.

Considering the facts and circumstances, the Court is



of the opinion that it is a fit case for grant of bail.

Accordingly, let the petitioner namely Md. Umaid @ Md. Ubaid be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri, Sitamarhi in connection with Bajpatti P.S. Case No. 216 of 2015.

It is made clear that whatever opinion has been recorded in the present order, that has been recorded only for the purpose of grant of bail. It may not be taken note of at subsequent stage by the court below.

(Rakesh Kumar, J.)

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