

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10347 of 2016

Arising Out of PS.Case No. -172 Year- 2014 Thana -BELDAUR District- KHAGARIA

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1. Md. Jahid, Son of Md. Ali, Resident of Village: Swarnpuri Itmadi P.S.:
Beldaur, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwanath Prasad Singh, Advocate

For the Opposite Party/s : Mr. Suresh Pd.Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-05-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner, who is husband, apprehends his arrest in connection with Beldaur P.S.Case No. 172/2014 registered for offences punishable under Sections 304 (B)/34 of the Indian Penal Code.

The prosecution case on the basis of F.I.R. lodged by the informant, Md. Irfan against the petitioner and co-accused persons alleging therein that he got information that his niece, Roni Khatun had been done to death. On this information the informant went at in-laws home of his neice and found the dead body of Roni Kumari lying on a cot and there was sign of injury on hand and mouth of the deceased.

It is alleged that the informant came to know that the accused persons have assaulted the victim/deceased for dowry. It

is also mentioned in the F.I.R. that the deceased was married with the petitioner Md. Jahid six or seven years back.

It has been submitted by the learned counsel for the petitioner that he is innocent has committed no offence and the deceased Roni Khatun was ailing since long and died a natural death. He submits that she was under medical treatment and there are medical reports. He submits that during investigation the mother –in-law of the deceased has been arrested but the petitioner has been found by some independent witnesses and also the supervision note of the police that he had good relations with deceased wife. He also submits that the family members also knew that the deceased was ailing since long and were present at the time of her death.

However, learned A.P.P. for the State submits that Post mortem report reveals injury inflicted upon the deceased and the mother-in-law is in custody and the petitioner is the husband.

Considering the facts and circumstances, let the petitioner surrender before the Court below and the learned Court below will consider the matter on various points as raised on its own merit, preferably within the same day.

(Nilu Agrawal, J)

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