

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50546 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -DEORIYA District- MUZAFFARPUR

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1. Md. Hussain Son of Md. Mowal @ Mowal Mian resident of Bhoj Patti,
Police Station Paru, District Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
29.05.2016 in connection with Sessions Trial No. 640 of 2016
arising out of Deoriya P.S.Case No. 40 of 2016 registered for the
offence punishable under Section 302 of the Indian Penal Code.

The prosecution case as lodged by the father of the
deceased is that his daughter was married in the year 2012 with
the petitioner and gave birth of female child, who is three years
old as the deceased was being tortured but panchayati was held on
20.05.2016 and on the date of occurrence, he was present at the
house of his father-in-law and on the date of occurrence the
petitioner slept in a room along with the deceased and female child
with door closed. The informant and his nephew were sleeping out



side in the verandah in the night and at 3.30 to 4 A.M. son-in-law opened the door and started shouting that some one has stabbed on the abdomen of the deceased. The deceased was rushed to the hospital along with the informant and petitioner, who eventually succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that at the time of occurrence, the petitioner was not present in in-laws house and he does not have any criminal history neither there was any motive behind the alleged occurrence. He submits that charge sheet has already been submitted against the petitioner, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and prosecution witnesses as well as the informant have supported the prosecution case, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case and from the materials available on record, I am not inclined to grant the privilege of bail.

This bail application is, accordingly, rejected.

(Nilu Agrawal, J)

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