

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33996 of 2018

Arising Out of PS.Case No. -203 Year- 2017 Thana -BAHADURGANJ District-
KISANGANJ

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Sakir @ Sakir Alam, S/o Mainu @ Sainuddin, R/o Vill.-
Desiya Toli, Khokobasti, P.S.- Bahadurganj, District-
Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 20-07-2018 The petitioner seeks bail in anticipation of his arrest in connection with Bahadurganj P.S. Case No. 203 of 2017, dated 05.08.2017, instituted for the offences punishable under Sections 302/34 of the Indian Penal Code.

The petitioner is the husband of the deceased.

Many persons have been made accused in this case and it has been submitted on behalf of the petitioner that the accusation against him is only on the basis of suspicion. It has further been submitted that during the



investigation, the superior police officer, while supervising the case, did not exclude the possibility of the deceased having committed suicide. However, the *post-mortem* report talks of death by strangulation, which could be either a homicidal death or a suicidal death.

In any view of the matter, taking into account that the petitioner is the husband of the deceased and no explanation *prima facie* has been offered by him suggesting the cause of death of the deceased, I am not inclined to grant anticipatory bail to him.

However, if the petitioner surrenders before the court below and seeks bail, his prayer shall be considered on its own merits, without being prejudiced by the fact that the present anticipatory bail petition has not been entertained by this Court.

Dismissed with the aforesaid observation.

(Ashutosh Kumar, J)

Praveen-II/-

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