

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18120 of 2019

Arising Out of PS. Case No.-184 Year-2018 Thana- HUSSAINGANJ District- Siwan

JUNAID AHMAD, Son of Md. Ehshan. Resident of Village - Hathaura, P.S.-
Hussainganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjum Perveen

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 03-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

The wife of this petitioner, who was sister of this
informant died in suspicious circumstances in the house of the
petitioner. The doctor found a case of asphaxia death due to
hanging.

Submission of the learned counsel for the petitioner
is that by a detailed order, after perusal of the case diary and
considering the objection of the informant, a co-ordinate Bench
of this Court granted anticipatory bail on the merit of the case in
Criminal Miscellaneous No.57801 of 2018 to co-accused, *Hena*



Begum @ Heena Khatoon.

Learned counsel for the informant opposed the prayer for bail on the ground that unnatural death was caused in the house of the petitioner. Hence, it was duty of the petitioner to explain the circumstance, which resulted in death. No witness has stated that it was a case of suicidal death.

Reverse burden of proof is not the general rule in criminal jurisprudence. Hence, the prosecution has to establish that the suicide was result of abetment caused by the petitioner. Submission of charge sheet under Section 302 of the Indian Penal Code would not take the place of proof of allegation under Section 302 of the Indian Penal Code in absence of direct evidence on the point.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Husainganj Police Station Case No.184 of 2018, subject to condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below and the petitioner shall fully co-operate with the investigation/trial of the case, failing which the court below



shall be at liberty to cancel the bail bond of the petitioner.

No observation in this order shall prejudiced the
handling of the trial.

(Birendra Kumar, J)

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