

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34542 of 2019

Arising Out of PS. Case No.-470 Year-2018 Thana- JAMUI District- Jamui

NAUSHAD ALAM Son of Mohammad Rahmu Khan @ Rahmu Khan
Resident of Village - Mahisouri ward no. - 13, P.S.- Jamui, Distt - Jamui.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s :	Mr. Ram Priya Sharan Singh
For the Informant :	Mr. Ajay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 06-09-2019 Heard the learned counsel for the petitioner,
the informant and the State .

The petitioner, who is the husband of the deceased, seeks bail in connection with Adarsh Thana Jamui P.S. Case No. 470 of 2018 dated 31.08.2018 instituted for the offence under Sections 302 and 34 of the Indian Penal Code.

The informant is the father of the deceased who has alleged that the petitioner used to insinuate at the deceased for having given birth to daughters. It has been stated that when the informant learnt about the death of his daughter, he went to the matrimonial home of the deceased and found incriminating marks on the dead body of the deceased.

Learned counsel for the petitioner submits that



it cannot be disputed that the petitioner is the husband of the deceased but the deceased being a temperamental person, committed suicide. In that view of the matter, the petitioner could at best have been made accused in a case under Section 306 of the IPC and not under Section 302.

This is not the stage when the aforesaid defence of the petitioner can at all be considered.

The petitioner is in custody since 30.11.2018.

Considering the nature of accusation against the petitioner, I am not inclined to grant bail to him for the present.

The petition is dismissed.

(Ashutosh Kumar, J)

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