

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65673 of 2018

Arising Out of PS. Case No.-61 Year-2017 Thana- NAUHATTA District- Saharsa

Md. Mustufa Son of Md. Shamsuddin Resident of Ward No. 5, Police Station-
Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari

For the Opposite Party/s : Mr. Sri Zainul Abedin

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 14-03-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, being a husband, is in custody since
12.03.2018 in connection with Nauhatta P.S. Case No. 61 of
2017 for the offence registered under Sections 304B/34 of the
Indian Penal Code.

Learned counsel for the petitioner has strenuously
urged that the present case is not one which would attract the
stringent provision under Section 304B of the Indian Penal
Code as it has been found that there is an evidence of
Aluminium Phosphide commercially known as 'Celphos' in the
viscera of the deceased-lady. The entire prosecution story with
regard to the petitioner having tortured and attacked her
physically has been belied by the post-mortem report which has



also come with the case diary. It is further submitted that there being distinct cloud on the prosecution story, the petitioner may be extended the privilege of bail.

Diary of the present case was called for which has since been received.

Learned counsel for the State, after perusal of the case diary, submits that even if it was not a case of the petitioner having been involved in the occurrence leading to the death of the deceased-lady but it was a case of suicide. There is ample evidence in the case diary to indicate that there had been a demand of dowry which had ultimately culminated in the death of the deceased lady, daughter of the informant. It is further submitted that the petitioner, being the husband, has a moral responsibility to ensure the welfare of the wife and there being clear allegation against the petitioner, he may not be extended the privilege of bail.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant regular bail to the petitioner. It is, accordingly, rejected.

Let the Court below take appropriate steps to ensure that the case is committed to the Court of Sessions for further trial and the trial of the case may be expedited so as to conclude



positively within a period of one year from today.

(Anjana Mishra, J)

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