

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79665 of 2019**

Arising Out of PS Case No.-401 Year-2019 Thana- MOHANIA District- Kaimur (Bhabua)

Mahendra Ram, aged about 28 years, Male, Son of Lalmuni Ram, Resident of Village - Bharkhar, P.S.- Mohania, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay and Mr. Rakesh Kumar Mishra, Advocates
For the Opposite Party/s :		Mr. Aditya Narayan Singh no. 1, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 16-12-2019

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Mohania PS Case No. 401 of 2019 dated 01.09.2019 instituted under Section 302 of the Indian Penal Code.

3. The allegation against the petitioner, who is the husband is of having killed the wife by strangulating her.

4. Learned counsel for the petitioner submitted that the allegation is false as the police have also found and that is why charge sheet has been submitted under Section 306 of the Indian Penal Code. It was submitted that there were minor differences between the couple and the deceased used to object to him coming



home late and was pressurizing him to leave his job. It was further submitted that the petitioner had informed the informant side, who had come and participated in the cremation and he was also arrested from the house and if there was any complicity of the petitioner, he would not have remained at the house for being caught. Learned counsel submitted that the postmortem shows semicircular ligature mark which indicates that there was no foul play. Learned counsel submitted that villagers had assembled at his place and they had informed the police which had come to the place of occurrence.

5. Learned APP submitted that the death occurred in the matrimonial home and the petitioner was the first one to become aware of the same, if the stand taken by him is correct, then there is no explanation as to why he did not inform the police with regard to the deceased having committed suicide, which required information to be given to the authorities, as it is an unnatural death. Learned counsel submitted that the conduct of the petitioner, thus, is highly suspicious as there is no explanation as to who brought the body down if at all the deceased had hanged herself. It was submitted that the petitioner has many things to explain which he has not been able to do, and further, that the postmortem report discloses hanging by means of some ligature



and death has been caused due to asphyxia and severe shock, as has been noted by the Sessions Judge, Kaimur in his order dated 16.11.2019, while rejecting the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail, for the present.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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