

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20146 of 2020**

Arising Out of PS Case No.-14 Year-2020 Thana- RAJPUR District- Buxar

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Amit Kumar @ Amit Kumar Ram, Aged about 24 years (M), Son of Srikant Ram, Resident of Village-Uttampur, P.S.-Rajpur, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate
For the State : Mr. Md. Arif, APP

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

ORAL JUDGMENT

Date : 26-08-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Dr. Kamal Deo Sharma, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Rajpur PS Case No. 14 of 2020 dated 27.01.2020, instituted under Sections 304B/34 of the Indian Penal Code.

4. The allegation against the petitioner and his father is of killing his wife, who was the sister of the informant, by strangulation.



5. Learned counsel for the petitioner submitted that in the FIR itself, it is admitted that there was no reason for dispute and that the petitioner's father had informed the informant that the girl had complaint of stomach pain and had asked them to come. It was submitted that there is no role of the petitioner in the death of his wife and further, that she had committed suicide. Learned counsel submitted that the petitioner is in custody since 28.01.2020.

6. Learned APP, from the case diary, submitted that the petitioner is the husband and death occurred in the matrimonial home. It was further submitted that the information given to the relatives of the girl was that she was having abdominal pain but when they came they found the dead body with ligature mark on the neck and in the postmortem also, it has been found true and the doctor has opined that death was due to asphyxia caused by strangulation. Learned counsel submitted that it is for the petitioner to explain how death occurred due to strangulation as it happened in his house. It was further submitted that the petitioner was required to either take the girl to some doctor or hospital as he could not have certified that she was dead, which has not been done and further, it was incumbent on him to inform the local police as clearly the death was unnatural. It was submitted that the



same not having been done, the obvious indication is that the petitioner, being the husband had something to hide. It was further submitted that even the inquest report discloses dark mark on the neck indicating strangulation by rope. Learned counsel submitted that the family members of the deceased, who had gone to the place, had also seen the body having dark strangulation mark on the neck.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that death having occurred in the matrimonial home and the petitioner being the husband, without there being any explanation as to how she died due to asphyxia caused from strangulation, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.

9. However, let the trial be expedited.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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