

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.427 of 2020

Arising Out of PS. Case No.-151 Year-2019 Thana- CHARPOKHARI District- Bhojpur

Nandjee Mushar, aged about 35 years, Male, S/o Motilal Mushar @ Moti Lal Ram, R/o village- Dhanauti, P.S.- Charpokhari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Kumar, Advocate

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-05-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Charpokhari P.S. Case No. 151 of 2019 registered for the offences punishable under Sections 498A, 302 of the Indian Penal Code.

Allegation against the petitioner as reveals from the F.I.R. is that Rina Devi and her husband Nand Jee Mushar quarrelled with each other with regard to domestic issue. The daughter of the petitioner Tinku Kumari went to intervene, the petitioner pushed her, she fell down. Thereafter, the petitioner caught hold the hairs of Rina Devi and dashed her head and she succumbed due to head injury and the petitioner fled away.

Learned counsel for the petitioner submits that there is no eye witness to support the prosecution. He further submits



that from perusal of the F.I.R., it is also apparent that there was no illegal demand by the petitioner from the deceased or parent so the offence under Section 498A is not made out against the petitioner.

The statement of Tinku Kumari, daughter of the petitioner recorded by I.O. at paragraph-8 of the case diary, which indicate the complicity of the petitioner causing death of his wife.

In the facts and circumstances of the case, I am not inclined to grant bail to the petitioner. Therefore, the prayer for grant of bail to the petitioner is hereby rejected in connection with Charpokhari P.S. Case No.151 of 2019.

(Anjani Kumar Sharan, J)

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