

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40073 of 2020

Arising Out of PS. Case No.-700 Year-2019 Thana- ARARIA District- Araria

=====

MOULVI MOJAHID @ MOJAHID Son of Badlum Resident of Village -
Amir Tola, Prem Nagar, Ward No. 16, P.S. - Araria (R.S), District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh
For the Opposite Party/s : Mr. Shantanu Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-04-2021 Heard Mr. Ramesh Kumar Singh, learned counsel for

the petitioner and Mr. Shantanu Kumar, learned counsel for the

State.

Petitioner seeks regular bail in connection with Araria
(R.S.) P.S. Case No. 700 of 2019 registered for the offence
under Section 304(B) of the I.P.C.

The allegation as per the First Information Report is
that the daughter of the informant was married to the petitioner
about 02 months back and it has been alleged that she has been
killed by the petitioner by pressing her neck with the help of
rope.

Learned counsel for the petitioner submits that
petitioner has not committed any offence in the manner alleged
and the deceased has committed suicide inasmuch as she was
not satisfied with the marriage due to advance age of the
petitioner. Learned counsel next submits that petitioner is aged
about 45 years and the deceased girl was aged about 19



years. Learned counsel next submits that the fact of the matter is that the deceased has committed suicide by hanging herself.

On the other hand, learned counsel for the State opposes the prayer for bail and submits that within 02 months of marriage the deceased has died in her matrimonial home in suspicious condition and there is presumption under Section 113A and 113B of the Evidence Act against the petitioner. Learned counsel further submits that during the course of investigation in the inquest report it has come that there was black mark on neck of the deceased and other body parts.

Having heard learned counsel for the parties and taking into consideration the materials available on record and the fact that deceased has died within 02 months of her marriage in her matrimonial home, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the same stands dismissed.

However, the petitioner may renew his prayer for bail after completion of one year from today, if the trial does not record any progress.

praful/-

(Anil Kumar Sinha, J)

U		T	
---	--	---	--

