

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.20806 of 2015**

Arising Out of PS.Case No. -305 Year- 2014 Thana -CIVIL LINE District- GAYA

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1. Munna Upadhyay @ Umas Shankar Upadhyay son of Late Shiv Babu Upadhyay, resident of Mohalla- Nawagahari, Police Station- Civil Lines, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mrigendra Pratap Singh

For the Opposite Party/s : Mr. Anant Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
**ORAL ORDER**

3 03-09-2015

Heard both sides.

The petitioner being husband seeks bail in a case registered for the offences punishable under sections 304(B)/34 of the Indian Penal Code.

The informant father of the deceased alleged that his daughter Rakhi Devi @ Dholan was married with the petitioner in the year 2004. His daughter also gave birth to three children but her husband Munna Upadhyay, the petitioner, was torturing her and his daughter was killed.

Mr. Baxi S. R.P. Sinha, learned Senior Counsel appearing for the petitioner submits that the deceased got burn injuries on 20.05.2014 and the informant remained with his



daughter during her treatment but the informant did not lodge any case while his daughter was alive. The informant only lodged the case on 01.06.2014 when she died. The daughter of the deceased made statement about the fact that her mother got burn injuries on account of accident and her father was away from the house at that time. He has further submitted that the police after investigation submitted charge-sheet under section 306 of the Indian Penal Code.

Learned counsel for the informant as well as learned Additional Public Prosecutor opposed the prayer for bail.

It appears that the father of the deceased made very specific allegation that his daughter was burnt and on account of burn injury, his daughter died. The informant and other family members also disclosed that the petitioner was making additional demand of dowry and on account of that, the petitioner was torturing his wife. Of course, the marriage was solemnized in the year 2004 but it has been very categorically stated that the petitioner was torturing his wife for non-fulfillment of demand of dowry. Even if the deceased has committed suicide, allegation is that the petitioner was torturing his wife.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail in connection with Civil Line P.S.

Case No. 305 of 2014 pending in the court of the learned Chief  
Judicial Magistrate, Gaya. His prayer for bail is, accordingly  
rejected.

**(Prabhat Kumar Jha, J)**

Amin/-

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