

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52214 of 2015

Arising Out of PS.Case No. -30 Year- 2015 Thana -SABAUR District- BHAGALPUR

1. Sarjan Mandal, Son of Dhaneshwar Mandal, Resident of Village-
Lailakh, P.S. Sabour, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Md. A.Haque Sahara (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 16-12-2015

Heard both sides.

The petitioner is the husband of the victim/deceased
and is facing prosecution under Section 304B of the IPC vide
sabour P.S. case no. 30 of 2015.

The brother of the victim lodged the case alleging
that the marriage of his sister was solemnized with the petitioner
in 2012. The husband developed illicit relationship with another
lady inmate of the house and demand of dowry was made. On
account of non fulfillment thereof she was tortured. On previous
occasion an attempt was made to do away with her life .The victim
lodged a complaint in Court against the family members.
Subsequently they persuaded the victim to come to the
matrimonial home and thereafter she was made traceless. Even
the sister of the victim who was residing closeby was not
informed. The victim has been done to death by the petitioner and

other family members.

Contention of the petitioner is that there is general allegation of demand of dowry. Although the petitioner is husband but he had taken care of the victim by taking her to the doctor who used to treat her as she was pregnant. She died a natural death. Petitioner is in custody since 20.03.2015.

Mr. Dayal, learned APP, opposed the prayer and submitted that there is presumption in law that the petitioner committed the offence.

Considering the allegation and the fact that the victim was done to death in the suspicious circumstances even at the matrimonial home and the petitioner is husband of the deceased, I am not persuaded to release him on bail. Prayer for bail is, accordingly, rejected.

Let the trial court endeavour to examine all the prosecution witnesses within 10 months from the date of receipt/communication of a copy of this Court, failing which the petitioner shall have liberty to renew prayer of bail in the Court below itself.

(Kishore Kumar Mandal, J)

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