

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28973 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -JAMALPUR District- MUNGER

=====

1. Manish Sharma Son of late Arjun Sharma resident of Village- Chhoti keshopur Faridupru P.s Jamalpur, District Munger,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Sinha

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-10-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Jamalpur P.S. Case No. 18 of 2015 registered for the offences punishable under Sections 304(B) of the Indian Penal Code and Section 3(X) of the SC/ST Act.

Allegedly Vinita Devi, the daughter of the informant was married to one Jairam Paswan but she developed love affair and married to the petitioner but the petitioner and other family members used to torture and assault her and on 09.02.2015 in the night at 12 O'clock the petitioner and two persons came with Tata Sumo Vehicle and told the informant regarding her illness and then the informant went with them and found his daughter dead

having black scratch on her neck and her tongue was also coming out and accordingly, it was stated that she was throttled to death by the petitioner and his family members.

Submission is of false implication and that there is contradiction in the statement recorded under Section 164 Cr.P.C. from the fardbeyan of the informant as in the statement recorded under Section 164 Cr.P.C the informant states that on 10.02.2015 in the day at 12 O'clock the petitioner came with Sumo Vehicle and further states that in the room there was blue colour saree hanging from ceiling fan. It is not expected that anybody will demand dowry from a Rickshaw puller and only on suspicion the petitioner is suffering in custody. As a matter of fact the deceased was of short temper and she committed suicide and, as such, the petitioner suffering in custody since 12.02.2015, deserves sympathetic consideration and chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned Special P.P. opposes the prayer of bail by submitting that in postmortem the cause of death has been found due to asphyxia caused by throttling and the witnesses have supported the allegation.

In the facts and circumstances stated above,

considering the allegation attributed against the petitioner serious in nature which finds support with postmortem report also, this Court is not inclined to enlarge the petitioner on bail and accordingly, such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within six months, failing which, the petitioner will be at liberty to renew his prayer for bail.

sushma/-

U			
---	--	--	--

(Jitendra Mohan Sharma, J)