

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.498 of 2015

Arising Out of PS.Case No. -444 Year- 2013 Thana -KRITYANAND NAGAR District- PURNIA

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Md. Mubarak Hussain son of Abdul Hakim Resident of village - Bansar
Naya Tola, P.S. K. Nagar (Sri Nagar), District - Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 12-03-2015

Heard learned counsels for the petitioner and
the State.

The petitioner being the husband of the
victim is languishing in custody since 24.09.2014 in a case
registered for the offences punishable under Sections 304B and
498A/34 of the Indian Penal Code.

The accusation is of killing the daughter of
the informant for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the
petitioner that in subsequent statement the informant has stated
that the marriage was performed 8 to 9 years prior to the
occurrence. Admittedly, the victim was provided medical
assistance. Hence, as per own admission of the informant the case

does not come within the purview of section 304B of the IPC. The victim was suffering from some pregnancy complications. Certificate to that effect has been brought on record as Annexure-2.

It is submitted by learned counsel for the State that the post-mortem reflects some injuries and suggests the death due to strangulation, moreover, on conclusion of investigation the charge-sheet has been submitted under Section 304B of the IPC.

Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected in connection with K. Nagar (Sri Nagar) P.s. Case No. 444 of 2013 pending in the court of learned Chief Judicial Magistrate, Purnea.

Let the trial be expedited.

However, the petitioner will be at liberty to renew his prayer for bail, if the trial will not be concluded within a period of one year.

(Dinesh Kumar Singh, J)

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