

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5817 of 2016

Arising Out of PS.Case No. -451 Year- 2015 Thana -KHAGARIA District- KHAGARIA

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Balmukund Malakar S/o Late Ramsewak Malakar Resident of Village -
Bhagat Tola, P.S. - Khgaria, District - Khagaria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate.

For the Opposite Party : Mr. A.A.Khan(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-04-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. representing the
State.

The petitioner seeks bail in connection with Khagaria
P.S. Case No. 451 of 2015 registered for the offences punishable
under Sections 304(B) and 120(B) of the Indian Penal Code.

Soni Kumari, the daughter of the informant was
married to Sri Ram Malakar, the son of the petitioner and
allegedly due to non-fulfillment of the demand of dowry, by way
of cash of Rs. 1 lac, she was killed by the petitioner and other in-
laws.

Submission is of false implication and that during
investigation, it has not come that any dowry was ever demanded,

the petitioner is old father-in-law and without any fault he is suffering in custody, the witnesses during investigation have given contradictory statement, the doctor, who has conducted postmortem examination has not given the exact cause of death and as such, the petitioner deserves sympathetic consideration to which the learned A.P.P. duly assisted by learned counsel for the informant opposes by submitting that witnesses Komal Kumari and Sapna Kumari are eyewitnesses, have stated that the petitioner was assaulting Soni Kumari and he was trying to commit rape with her also and further due to assault caused by the petitioner and his son, Soni Kumari died. During inquest, the injuries have been found and further the doctor has also found injuries on the person of the deceased.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner is serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer of bail stands rejected. However, considering the detention of the petitioner, let the trial be expedited and concluded within nine months.

(Jitendra Mohan Sharma, J)

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