

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49653 of 2015

Arising Out of PS.Case No. -7 Year- 2015 Thana -HASPURA District- AURANGABAD

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1. Arvind Kumar @ Pankaj S/o late Bhadai Yadav Resident of Village-
Manu Bigaha, P.s Haspura, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 06-04-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence
punishable under section 304 (B)/34 of the I.P.C

Priyanka Devi, the daughter of the informant was
married to the petitioner in the year 2012 and allegedly due to non
fulfillment of demand of dowry by way of motorcycle she was
being assaulted and ultimately she was killed by throttling by the
petitioner and other in-laws.

Submission is of false implication and that the
petitioner was having cordial relation with his wife, out of the
wedlock there is a daughter of 1½ years, the wife of the petitioner
died due to some breathing problems and the informant was at

once informed and in his presence postmortem was done, in the forensic science laboratory report no poisonous substance was found, the cause of death was found by the doctor due to asphyxia and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that during investigation all the witnesses have supported the prosecution version, mild contusion over and around the neck was found and further frothing from mouth and nostril were also present resulting in the opinion of the Medical Board cause of death was likely to be asphyxia.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Haspura P.S. Case No. 07 of 2015 pending in the court of S.D.J.M. Daudnagar, Aurangabad.

However, considering detention of the petitioner, let the trial be expedited and concluded within nine months.

(Jitendra Mohan Sharma, J)

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