

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26885 of 2016

Arising Out of PS.Case No. -70 Year- 2015 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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Dharmendra Jha, S/o Ashok Jha, Resident of village- Hari Nagar, P.S-
Kusheshwar Asthan, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Zafar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 07-09-2016 Heard learned counsel for the Petitioner, the State and

the informant.

The Petitioner seeks bail in Kusheshwar Asthan P.S.
case No.70 of 2015 instituted for the offence under Sections 304B
and 201 read with 34 of the Indian Penal Code, pending in the
court of S.D.J.M., Biraul, Darbhanga.

The accusation against the accused persons including
the petitioner is of committing the murder of the informant's
daughter, due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 5.12.2015 and the charge sheet has
been submitted in the present case. The petitioner has got no
criminal antecedent. There is no allegation of tampering of

witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The deceased is said to have died due to illness. Annexure-2 is the medical prescriptions regarding the treatment of the deceased. It is further submitted that no offence under Section 304B of the I.P.C. is made out as the marriage had taken place beyond seven years from the date of occurrence.

On behalf of the State and the learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R. and he is the husband of the deceased. The onus is upon the petitioner to explain the cause of death. From perusal of the case diary, there is no such material to support the contention of the petitioner in respect to Annexure-2 to the present application.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The Court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

Narendra/-

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