

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35527 of 2016

Arising Out of PS.Case No. -403 Year- 2015 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

1. Kumar Niraj @ Niraj Kumar Son of Baban Kumar Shrivastava Resident
of Mohalla- Alkapuri P.S. Sadar, Distt Muzaffarpur.

..... Petitioner/s
Versus

1. The State of Bihar
2.

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindya Keshri Kumar, Sr. Advocate
Mr. Satyendra Narayan Singh

For the Opposite Party/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 15-11-2016 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is the husband who is in custody since
13.07.2016 in connection with Sadar P.S. Case No.
403/2015 registered for the offences punishable under
Sections 304(B)/34 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits
that though there is allegation of dowry demand from the
victim lady by the husband, mother-in-law and other
family members, the fact is that the victim girl was
suffering from depression and has committed suicide. It is

further submitted that the husband, being the present petitioner, was away at Pune on the date of occurrence and, therefore, he cannot be held liable for any act committed and further, it has been submitted that the victim girl has committed suicide.

Diary in this case was called for earlier, which has, since been received.

Learned counsel for the State after perusal of the case diary submits that though the post-mortem report reveals that the victim lady died of hanging, there is ample material in the case diary to show that the victim girl was subjected to demand for dowry since past two years i.e. since 2014 when the marriage took place.

Considering the fact that the petitioner being husband is morally responsible for the welfare of his wife and the demand of dowry is very much present all through the course of investigation, as has surfaced in the case diary, I am not inclined to grant regular bail to this petitioner. It is accordingly rejected.

However, considering the present facts and circumstances of the case, it would be advisable in the interest of justice that the case may be committed to the Court of sessions at the earliest and the trial of the present

case be concluded within a period of one year from today.

(Anjana Mishra, J)

Saif/-

U		T	
---	--	---	--

