

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5722 of 2017

Arising Out of PS.Case No. -85 Year- 2013 Thana -MADHUBAN District- EAST
CHAMPARAN(MOTIHARI)

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Prabhu Bhagat son of Baldeo Bhagat, resident of village Lohargawan, P.S.
Madhuban, Dist- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 12-04-2017 Heard both sides.

The petitioner being the elder brother of the husband
of the deceased is facing prosecution under Sections 304 B/201/34
of the IPC.

The allegation is that for non fulfillment of the
demand of dowry the sister of the informant was done to death so
much so the body was being burnt when the informant reached
and exhumed the body and lodged the F.I.R.

Contention of the petitioner is that the husband is in
custody. The petitioner is also languishing in custody since last 06
months. Being the 'Bhaisur' it is not expected of him to commit
the crime. It is also submitted that the petitioner is separate from
his brother who is husband of the deceased.



The learned APP opposed the prayer and submits that as per F.I.R. earlier also the victim was tortured by the family members including the petitioner.

Considering the nature of allegations, this Court is not inclined to direct his release on bail. Prayer is, accordingly, rejected. However, petitioner is granted liberty to renew prayer for bail if the trial is not taken up and adequate progress registered thereat within 06 months from today.

(Kishore Kumar Mandal, J)

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