

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9404 of 2017

Arising Out of PS.Case No. -388 Year- 15 Thana -RAJIVNAGAR District- PATNA

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Ashutosh Kumar Son of Balram Singh, Resident of P.S.- Rajiv Nagar, Road
No. 19B, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashish Giri

For the State : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 02-05-2017

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The Petitioner seeks bail in Rajiv Nagar P.S.

Case No. 388 of 2015 instituted for the offence under Section(s)

304B, 34 of the Indian Penal Code and Section 3 of the Dowry

Prohibition Act.

As per prosecution case, the daughter of the informant was married with this petitioner about five years prior to the occurrence. She was tortured in Sasural by this petitioner for demand of Scorpio car and cash of Rs. 5,00,000/-. It is alleged that informant paid Rs. 5,00,000/- cash to the petitioner in the rented flat located in Rajeev Nagar. The informant continuously deposited the money in the account of the petitioner. The



petitioner, after taking VRS from the Navy again started demanding money and gave threat to daughter of the informant for which she telephonically told her father that she may be killed for demand of Scorpio car. It is further alleged that while daughter of the informant was talking on phone with the informant, the petitioner snatched the mobile and made demand of Scorpio car and thereafter on 20.12.2015 the petitioner informed that daughter of the informant has been killed.

It has been submitted on behalf of the petitioner that petitioner is in custody since 22.12.2015. It has further been submitted that landlord has stated in his statement that this petitioner took the daughter of the informant in ambulance to hospital.

Learned A.P.P. after going through the case diary has submitted that there is statement in the case diary that girl was killed due to strangulation. The postmortem report reveals that death has occurred due to asphyxia on account of hanging.

In the written report, it is mentioned that money was paid to the petitioner while petitioner and the victim girl were staying in the rented house of one Balram Singh.

A supplementary affidavit has been filed on behalf of the petitioner wherein in para 3 of the same, it has been



stated that one Ramdutt Sharma has stated that on the date of occurrence the petitioner was present in the house and unnatural death took place.

In such circumstance, keeping in view the nature of allegation, this Court is not inclined to grant bail to the petitioner at this stage. The prayer of the petitioner for grant of bail is rejected.

The Court below is directed to conclude the trial expeditiously without giving unnecessary adjournment to either side and make effort to conclude the trial as early as possible preferably within a period of nine months.

The petitioner is at liberty to renew his prayer for bail in the lower court itself if the trial is not concluded within a period of nine months and in that event, Court below will give reason for not concluding the trial within a period of nine months.

Shageer/-

(Sanjay Priya, J)

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