

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40777 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -BHELDI District- SARAN

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UTTAM KUMAR SAH @ UTTAM KUMAR SHAW Son of Nand Kishore Sah resident of village Jafarpur, Police Station - Bheldi, District - Saran (Chapra) presently residing at Risara Bade G.B. Police Station - Kanaipur, District Hooghly (West Bengal).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Basant Kumar Singh, Advocate.

For the Opposite Party : Mr. Dr. Kumar Uday Pratap, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-09-2017 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Bheldi P.S. Case No. 17/2017 for the offences instituted under Sections 498(A) and 304(B) of the IPC.

The prosecution story, in brief, is that the accused persons including the petitioner killed the daughter of informant due to non-fulfillment of demand of dowry.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case. The



petitioner is the husband of the deceased. The present case has been instituted on 02.11.2016 as to when the date of occurrence is 23.10.2016. The delay has not been explained by the prosecution. Prior to institution of the present case, a U.D. Case was also instituted in Kolkata dated 24.10.2016 at the instance of the Medical Officer of the Hospital in Kolkata. It is, at best, a case for the offence under Section 306 of the IPC.

It has been submitted by learned counsels for the State and the informant that the petitioner is named in the F.I.R and he is the husband of the deceased. The onus is upon the husband to explain the cause of death of the deceased. The post mort report also corroborates the prosecution case.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Bheldi P.S. Case No. 17/2017, pending in the court of learned C.J.M. XII, Chapra.

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(Sudhir Singh, J)

