

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43947 of 2016

Arising Out of PS.Case No. -562 Year- 2015 Thana -RUNISAIDPUR District- SITAMARHI

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1. Rajesh Thakur son of Ramchandra Thakur R/o Village - Kodaria, P.S. -
Runnisaidpur, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 30-01-2017 Heard the parties.

This application has been filed in connection with
Runnisaidpur P.S.Cae No.562 of 2015 for the offence under
Sections 304B, 201/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that he is
husband of the deceased but the case does not come under the
purview of Section 304B of the Indian Penal Code, as the
marriage has been solemnized eight yeas ago. Further, it has
been stated that there is general allegation that the accused
persons were demanding dowry but no date has been mentioned
to show that there was any demand of dowry and the witnesses
in Para 7, 8 and 9 of the case diary have not supported the
prosecution case either in the manner the occurrence took place
or about the demand of dowry and the petitioner had informed



the informant and others about the death of the deceased but they did not visit, as such the dead body of the deceased was disposed of. The petitioner is in custody since 23.8.2016.

Heard learned A.P.P. also, who has opposed the prayer for bail and stated that in Para 7 and other paragraphs of the case diary, the witnesses have supported the case.

Having heard both sides. In view of the fact that the petitioner is husband of the deceased and there are materials against him in the case diary, as such at present I am not inclined to grant bail to the petitioner, however, the learned District Judge, Sitamarhi is directed to see that the case is committed and after commitment, expedite the trial also and if the trial is not concluded, after examination of the witnesses from the side of informant, the petitioner may renew his prayer for bail before the court below itself, who, on the materials available on the record, will pass appropriate order without being prejudiced by the order of this Court.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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