

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62012 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana -SIGORI District- PATNA

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1. Daroga Yadav, Son of Munshi Yadav, resident of Village- Chiksi, Police Station- Sigori, District- Patna (Bihar). Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 26-02-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is in custody in connection with Sigori P.S. Case No. 40 of 2016, a case under Section 304-B and 34 of the Indian Penal Code.

The petitioner is husband of victim of dowry death. He is in custody since 24.07.2017. There is general and omnibus allegations against the petitioner and other in-laws that they used to demand illegal money from the victim and for non-fulfillment of the same, they used to torture her and the victim died within seven years of her marriage in un-natural circumstances.

Learned counsel for the petitioner submits that infact, when the victim had caught fire, the petitioner attempted to save her and in that course, he also sustained burn injury. The petitioner had taken the victim to hospital for treatment. Entire allegation is just to pressurize the petitioner and others.



Case diary would reveal that the I.O. had not examined any of the members of the maternal family of the deceased. The police has submitted charge-sheet in this case. Hence, I do not find any substance in the submission of learned counsel for the petitioner that no witness has supported the allegation of demand or torture, rather, it is a case of negligence of I.O. in taking steps for recording statement of the prosecution witnesses. The C.D. does not reveal that maternal family members were not ready to give their statement before the police.

Considering the fact that to prove a charge under Section 304-B IPC, it is not necessary that the victim should be killed nor the accused persons should intend that the victim should die for non-fulfillment of dowry. Only torture for non-fulfillment of demand which persuaded the victim to commit suicide is enough to attract the charge. Hence, I am not inclined to enlarge the petitioner on bail for the present. Hence, prayer is refused.

Learned trial court is directed to expedite and conclude the trial within a period of nine months from the date of receipt/ production of a copy of this order failing which, the petitioner would be at liberty to renew his prayer for bail.

(Birendra Kumar, J)

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