

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48543 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- GORICHAK District- Patna

Rahul Kumar S/o Ashok Ram, R/o vill.- Bhergawan Chak, P.S.- Gaurichak,
District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Devendra Kumar Singh, Adv.
Mr. Abhay Kumar, Adv.
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 18-08-2018 Heard Sri Devendra Kumar Singh, learned counsel,

assisted by Sri Abhay Kumar, learned counsel for the petitioner

and Sri Nirmal Kumar Sinha, learned Addl. Public Prosecutor.

The petitioner, husband of the deceased, has prayed
for grant of bail in Sessions Trial No.348 of 2018, arising out of
Gauri Chak P.S. Case No.37 of 2018 registered for the offence
under Sections 304(B), 201/34 of the Indian Penal Code , has
prayed for grant of bail.

Learned counsel for the petitioner, while pressing the
prayer for bail, has argued that it is a case, in which maternal
uncle of the deceased has come forward as the informant of the
case, whereas parent of the deceased has not made any
complaint. It has further been argued that that the deceased was



patient of Epilepsy (Mirgi) and she was being regularly treated in Rajeshwar Hospital. It has been argued that in such situation, she had fallen down and, thereafter she was being carried to hospital, but she died on the way. Accordingly, a prayer has been made for grant of bail.

Learned Addl. Public Prosecutor has opposed the prayer for grant of bail. Learned counsel for the petitioner accepted that in the case, after commitment of the case, charge has already been framed. Meaning thereby that the trial has already commenced. Fact remains that dead body was never sent for post-mortem examination and, as such, the case was instituted for the offence under Section 304(B), 201/34 of the Indian Penal Code. The petitioner was the husband of the deceased and marriage was solemnised only in the year 2017. It is also apparent that the deceased died in her in-laws house and there is allegation of torturing and demand of dowry.

Since the trial has already commenced, there is no reason to grant bail to the petitioner. The prayer for grant of bail stands dismissed.

(Rakesh Kumar, J.)

nawalkrs/-

U		T	
---	--	---	--

