

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61228 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -HATHAURI District- SAMASTIPUR

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1. Manoj Ram, S/o Nagina Ram, Resident of Village- Parsa, P.S.- Hathuri
(Shivjee Nagar O.P.), District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukund Mohan Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 08-02-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody in connection with
Hathauri P.S. Case No.46 of 2017, a case under Sections
304B/201/34 of the Indian Penal Code, pending in the Court of
Additional Chief Judicial Magistrate-II, Rosera, Samastipur.

Petitioner is husband of the victim lady, who died in
unnatural circumstances within seven years of marriage in her
matrimonial house. There is allegation of demand of dowry and
torture for the same against the petitioner soon before her death.
Other witnesses have also supported the allegation of demand of
dowry and torture before the police. The petitioner is in custody
since 08.06.2017.



Submission is that in fact the petitioner had taken all the steps for treatment of the victim when she sustained burn injury.

For establishing a charge under Section 304B of the Indian Penal Code, it is not necessary that in all circumstances the victim should be murdered. Torture which compelled the victim to commit suicide and torture due to non-fulfillment of illegal demand is sufficient to prove the charge.

Therefore, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused. The learned trial Court is directed to expedite the trial and conclude the same within nine months, failing which the petitioner would be at liberty to renew the prayer for bail before the trial judge itself, who shall pass a reasoned order.

(Birendra Kumar, J)

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