

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45484 of 2017

Arising Out of PS. Case No.-78 Year-2017 Thana- MOKAMAH District- Patna

Shiv Kumar @ Manish Kumar @ Manish Son of Ram Naresh Singh @ Ram Naresh Prasad Singh, resident of Village- Shankarbar Tola, Mokama, Ward No. 15, Police Station- Mokama in the District of Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Nand Kishore Pd. APP

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

8 15-03-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Mokama P.S. Case No. 78 of 2017 registered under Section 304(B)/34 of the Indian Penal Code.

The petitioner who happens to be husband of the daughter of the informant along with other accused persons are said to have demanded dowry and subjected her to torture for the said demand and not accorded her medical aid on falling ill resulting into her death.

It is submitted by learned counsel for the petitioner that there is no dowry demand and no allegation of dowry death of the deceased at the hand of the petitioner. Doctor has not opined cause of death rather reserved his opinion awaiting viscera report from the Forensic Science Laboratory.



As a matter of fact, the deceased had died due to cardiac respiratory arrest during course of treatment in Nazaret Hospital, Mokama.

On the other hand, learned APP opposed the bail prayer of the petitioner and submitted that there was dowry demand of Rs. 2 lacs from the informant's daughter and she was subjected her to torture for the said demand. She was also not provided medical aid by the petitioner and his family members. Postmortem report shows that there was fracture of 4th and 5th cervical vertebrae and rupture of trachea in the middle of neck and three longitudinal bruise mark over middle part of front of neck of dimension of 4"x1/2" each.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, learned lower court is directed to dispose of the case, as expeditiously as possible, preferably within nine months, from the date of receipt/production of a copy of this order.

(Prakash Chandra Jaiswal, J)

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