

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10071 of 2018

Arising Out of PS.Case No. -256 Year- 2015 Thana -PARWATTA District- KHAGARIA

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1. Subhash Prasad Gupta S/o Dinesh Gupta @ Dinesh Das, R/o Village-Khiradih, P.S.- Parwatta, Distt.- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Adv

For the Opposite Party/s : Mr. Md. Sufiyan, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

8 20-06-2018

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

The petitioner is husband of the victim, who was found missing from her matrimonial house within seven years of her marriage. Allegation is of demand of dowry and torture for the same as well as commission of dowry death.

Submission of the learned counsel for the petitioner is that the dead body was never recovered. The victim was mentally ill. Hence, she voluntarily left from her parent's house. Thereafter, false case was lodged. Only the family members have supported the allegation of demand of dowry and torture for the same and no other independent



witness has supported the allegation. In the circumstance, the police submitted chargesheet under Section 498A and 364 of the Indian Penal Code only. Petitioner is in custody since 16.11.2017.

The allegation of demand of dowry and torture has been supported by the family members of the deceased, who are competent to make statement on the point. The dead body was not recovered, which cannot be a ground to say that this is not a case of dowry death. The burden was on the petitioner to substantiate whereabouts of his wife.

Hence, I am not inclined to enlarge the petitioner on bail in connection with Parwatta Police Station Case No. 256 of 2015 pending in the court of learned A.C.J.M., Khagaria/successor court.

Accordingly, prayer for bail is refused.

The learned trial court is directed to expedite the trial and conclude the same within nine months from the date of receipt/production of a copy of this order. If the trial is not concluded within the aforesaid period, the petitioner would be at liberty to renew his prayer for bail before the learned trial court itself.

(Birendra Kumar, J)

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