

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20458 of 2018

Arising Out of PS.Case No. -36 Year- 2017 Thana -DEHRI TOWN District- SASARAM
(ROHTAS)

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Abhishek Kumar, S/o Late Murari Singh, R/o Mohalla- New Area Dehari
On Son, Near Joda Mandir, P.O.- Dalmia Nagar, P.S.- Dehari Town,
District- Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : M/S. Dharmendra Kumar, Anand Kumar
Singh and Bharat Pd. Singh, Advocates.

For the Opposite Party : Mr. Nand Kumar, A.P.P. 154.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-04-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
04.01.2018 in a case for the offence registered under Sections
498(A), 323, 307/34 of the IPC and ¾ of the D.P. Act. Later on
Section, 304(B) of the IPC was also added.

The prosecution story, in brief, is that the accused
persons including the petitioner killed the victim due to non-
fulfilment of demand of dowry.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.



Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to mistake of fact. There is no eye witness to the alleged occurrence. The petitioner had tried to save the life of the deceased. She was taken to the Hospital by the petitioner. The deceased died in course of treatment.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. He is the husband of the deceased. The onus is upon him to explain cause of death of the deceased. F.I.R. is dying declaration of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Dehri (Town) P.S. Case No. 36/2017, pending in the court of learned S.D.J.M., Dehri, Rohtas.

The Court below is directed to expedite the case.

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(Sudhir Singh, J)

