

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18725 of 2018

Arising Out of PS.Case No. -55 Year- 2017 Thana -MAKHDUMPUR District- JEHANABAD

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1. Prem Kumar, Son of Bachchu Singh, Resident of Village- Supi, P.S.-
Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 01-05-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is the husband who has been in custody since 13.10.2017 in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 55/2017 registered for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that there is a wild allegation in the First Information Report and the statement made by the victim's mother in the case diary casts a distinct cloud on the prosecution story entitling the petitioner the privilege of bail. It is further submitted that in paragraph No. 6 of the case diary, the place of diary which is said to be the house of the petitioner have been found to be disproved as in the case diary it has also given that place of occurrence was *Naiher* of the victim lady and even the mother has stated the said fact during the course



of investigation by the police.

Learned Additional Public Prosecutor appearing on behalf of the State after perusal of the case diary submits that despite such submissions made by learned counsel for the petitioner, there is ample material in the case diary to show that immediately preceding the death of the victim lady, there was demand for dowry and that she had been subjected to torture. Moreover, it has come that the victim girl had, on account of the said demand, been living in her *Maika* and only recently had the petitioner taken her home after *Vidai*. Soon thereafter, the victim girl had reported to the parents regarding the alleged act of torture by all family members of the family. Thus, learned counsel for the State submits that there is cogent material to indicate that the petitioner had subjected the deceased to torture just before her death and the death had occurred within seven years of marriage which clearly attracts the provision of Section 304(B) of the Indian Penal Code.

Having heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the State, it appears that there is cloud on the prosecution story regarding the place of death and no doubt, there is allegation of demand of dowry immediately preceding the death and also there was torture inflicted on the victim girl. As such, I am not inclined



to grant the petitioner, husband of the victim lady, the privilege of
bail.

It is accordingly rejected.

(Anjana Mishra, J)

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