

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26878 of 2018

Arising Out of PS.Case No. -420 Year- 2017 Thana -GARDANIBAGH District- PATNA

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1. Shambhu Nath Kush, Son of Shri Baijnath Ojha, Resident of Back of D/ 51 and D/56, Police Colony, Anisabad, P.S.- Gardanibagh, District-Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-07-2018

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Gardanibagh PS case no. 420 of 2017 instituted for the offence punishable under Section 304B/34 of Indian Penal Code.

The allegation is regarding the petitioner herein having killed his wife on account of non-fulfilment of the demand for dowry by hanging her.

The learned Senior counsel for the petitioner has submitted that firstly, the victim lady had hanged herself and it is a case of suicide and secondly, the witnesses have also come forward to say that the door of the room was broken open and thereafter, the dead body of the victim lady was



recovered.

Per contra, the learned counsel for the informant has submitted that only after 4-5 months i.e. at a belated stage, the evidence has been fabricated to show that the door was broken in order to take out the dead body of the victim lady but the fact is that the I.O. has nowhere found this fact to be true. It has been submitted that the present case is a clear cut case of killing the victim lady on account of non-fulfilment of demand for dowry which is apparent from various paragraphs of the case diary.

Having regard to the facts and circumstances of the case, I am not inclined to grant bail in the present case. Accordingly, the present petition is dismissed.

(Mohit Kumar Shah, J)

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