

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72030 of 2018

Arising Out of PS. Case No.-800 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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Pappu Giri Son of Jai Nandan Giri Resident of Village- Naurangabagh
Bettiah, Police Station- Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai
For the Opposite Party/s : Mr. Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-12-2018 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in Bettiah Town P. S. Case
No. 800/2017 instituted for the offence under Section(s) 302/34
of the Indian Penal Code.

Petitioner is the husband of the deceased.

In the written report, it is alleged that daughter of the
informant was married with this petitioner. She was tortured in
her *sasural* for demand of dowry. It is further alleged that the
petitioner and other family members used to assault the
daughter of informant for non fulfillment of motorcycle for
which she also informed the informant on telephone. The



informant thereafter got information from his elder daughter, namely, Maya Giri that his daughter has been done to death in her *sasural* by the petitioner by strangulating her neck. The petitioner along with his family members have fled away after killing his daughter. The informant informed the Bettiah police who brought the dead body for postmortem.

Learned counsel for the petitioner submits that police has initially submitted charge sheet against this petitioner for offence u/s 302/34 of the IPC as appear from para 47 of the case diary. The investigation with respect to other accused persons was kept pending. Subsequently, the police found mistake of facts in its initial charge-sheet which was filed under Section 302/34 I.P.C against the petitioner and found the case true against the petitioner under Section 306 of the Indian Penal Code and other accused persons were exonerated of all the charges.

The case diary has been received. The postmortem report of the deceased is available which shows the cause of death due to asphyxia caused by hanging. The doctor has found one ligature mark size of 1/2" wide situated obliquely extending from Rt. side of neck just below Rt ear.

Earlier charge-sheet was filed by the police on



19.2.2018 for the offence under Section 302/34 of the IPC. The police subsequently on 31.7.2018 exonerated the other accused persons, and found the case true against the petitioner under Section 306 of the IPC.

This Court finds that police has completed the investigation with respect to petitioner earlier and after looking into the materials available during investigation submitted charge sheet against him U/s 302 of the IPC.

There is specific allegation against the petitioner in the written report of committing torture with deceased for non- fulfillment of dowry.

Therefore, this Court is not inclined to grant bail to the petitioner at this stage. The prayer for bail of the petitioner stands rejected.

Trial Court is directed to expedite the trial .

(Sanjay Priya, J)

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