

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5975 of 2019

Arising Out of PS. Case No.-23 Year-2018 Thana- ALIPUR District- Gaya

1. Manchan Singh and Anr Son of Shiv Pujan Singh Resident of Village-Kutunpur, P.S.-Alipur
2. Shiv Pujan Singh Son of Late Babu Lal Singh Resident of Village-Kutunpur, P.S.-Alipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhu Narayan Sharma

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in a case registered under
Sections 341, 323, 498A, 304B/34 of the Indian Penal Code.

The prosecution case, in brief, is of committing torture and
caused death of the victim due to non-fulfillment of demand of
dowry.

It has been submitted on behalf of the petitioners that the
petitioners have got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioners. The petitioners are in custody since 20-09-2018. The
alleged occurrence is said to be of 23-03-2018 and the FIR has



been instituted on 28-03-2019. The delay in instituting the FIR has not been explained by the prosecution. The petitioners have been falsely implicated in the present case. The petitioner No. 1 is husband of the deceased. The onus is on the petitioner No. 1 to explain the cause of death. The cause of death has not been explained by the petitioners.

From perusal of the FIR itself, it appears that before death, the deceased disclosed to the informant that she had been done to death by the family members of the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners. Accordingly, prayer for bail of the petitioners in connection with Alipur P.S. Case No. 23 of 2018 is rejected.

Concerned trial court is directed to expedite the trial of the petitioners.

(Sudhir Singh, J)

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