

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14645 of 2019**

Arising Out of PS. Case No.-81 Year-2018 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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DEEPAK SETH Son of Ramanand Seth Resident of Village - Bhagwanpur,
P.S.- Bhagwanpur, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-04-2019 Heard learned counsel for the petitioner and learned

APP for the State. Counsel for the petitioner is permitted to
make necessary correction in paragraph 1 of the application in
course of the day.

The petitioner seeks bail in a case instituted for the
offences under Sections 323, 341, 498(A), 504, 307, 34 of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act
but charge-sheet has been submitted under section 304B and
other allied sections of the Indian Penal Code.

Allegation against the petitioner is of committing
torture and thereafter caused death of the victim due to non-
fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that



the petitioner is in custody since 27.4.2018 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. At the alleged time of occurrence, the petitioner was not present at the place of occurrence. The deceased is said to have committed suicide. The body of deceased was recovered after breaking open the door of the room. The marriage is said to have taken place in the year 2013. Hence, no offence under Section 304B IPC is made out.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/complaint case. The petitioner is the husband of the deceased. The onus is on him to explain the cause of death. There is no material in the case diary to show that the deceased has committed suicide. Hence, it is not a case for an offence under Section 306 IPC.

Considering the nature of allegation, I am not inclined to grant bail to the petitioner. Prayer is rejected. The Trial Court is directed to expedite the trial.

(Sudhir Singh, J)

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