

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12167 of 2019**

Arising Out of PS. Case No.-547 Year-2018 Thana- KISHANGANJ District- Kishanganj

Khatibur Rahman @ Khatibur Raheman Son of Tabibur Rahman @ Md.
Tabibur Raheman R/o village- Mahalana, P.S- Kishanganj , Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sunil Kumar, Advocate
For the State	:	Mr. Mukeshwar Dayal, APP
For the Informant	:	Mr. Dilip Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 02-07-2019 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner seeks bail in Kishanganj P.S. case
No.547 of 2018 registered under Sections 304(B)/34 of I.P.C.,
pending in the court of Chief Judicial Magistrate, Kishanganj.

Allegation is that the accused persons including the
petitioner caused murder of the sister of the informant due to
non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 19.11.2018 and has got no
criminal antecedent. Charge sheet has been submitted in this
case. There is no allegation of tampering of witnesses alleged
against the petitioner. The petitioner has falsely been implicated



in the present case. The deceased is said to have committed suicide. The marriage had taken place beyond seven years. The petitioner had given loan to the parents of the deceased. Hence a false case has been instituted.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R. He is the husband of the deceased. The onus is upon him to explain the cause of death of the deceased. The trial is already in progress. As per the postmortem report, there are injuries caused by hard and blunt substance. The allegation made in the F.I.R. is supported from eye witness, whose statement has been recorded in paragraph 21 of the case diary.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected.

The Trial Court is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

Narendra/-

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