

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12893 of 2019**

Arising Out of PS. Case No.-423 Year-2018 Thana- KATIHAR District- Katihar

SHIVKESH KUMAR @ BANTI Son of Nand Kishor Das Resident of
Mohalla - Jugat Bhawan Durgasthan, P.S. Katihar (N), District -Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mira Kumari

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-04-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered under
Section 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 petitioner that the
petitioners have got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The petitioner is in custody since 03-07-2018. Charge
sheet in this case has already been submitted. The petitioner has
been falsely implicated in the present case. There is no eye
witness to the alleged occurrence. There is no other substantive
evidence to suggest the implication of the petitioner in the



present case.

On behalf of the State and the informant, it is submitted that the petitioner is named in the FIR. The petitioner is husband of the deceased. The onus is upon the petitioner to explain the cause of death of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Katihar Town P.S. Case No. 423 of 2018 is rejected.

The court below is directed to expedite the trial.

(Sudhir Singh, J)

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