

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14790 of 2019

Arising Out of PS. Case No.-232 Year-2018 Thana- BANIAPUR District- Saran

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Bablu Sharma @ Ashwani Kumar S/o Binod Sharma Resident of Village-
Manikpura, P.S.- Baniyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh, Adv
For the Opposite Party/s : Mr.Akshay Lal Pandit,APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 15-05-2019 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for
the offences punishable under Sections 304(B), 201 and 34
of the Indian Penal Code.

Petitioner is husband of the victim of dowry
death. Wife of the petitioner died within five years of her
marriage in her matrimonial house in unnatural
circumstances. There is allegation that the husband and
others were demanding Rs. One Lac for the business
purpose and for non-payment of the same, the victim was
being tortured.

Submission of the learned counsel for the



petitioner is that each and every demand does not come within the mischief of dowry demand, if the demand is not in connection with marriage, it cannot be termed as dowry demand. Therefore, offence under Section 304B I.P.C. is not made out against the petitioner. Reliance has been placed on the judgment of this Court in the case of **Vipin Jaiswal Vs. State of A.P**, reported in **2013(3)PLJR (SC) 91**. He further submits that the petitioner is in custody since 24.07.2018.

One thing is established for the purpose of consideration of this prayer for bail that the victim was being harassed by her inlaws and the harassment was with a view to coerce her to meet any unlawful demand. Thus, offence under Section 498A I.P.C. is apparently attracted in view of the Explanation-b of Section 498A I.P.C. Therefore, I am not inclined to enlarge the petitioner on bail in connection with Baniyapur P.S.Case No.232 of 2018 pending in the court of learned Additional Chief Judicial Magistrate-XIth, Saran at Chapra. Prayer is refused.

Learned Trial Court is directed to expedite the trial since the petitioner is in custody since 24.07.2018.

Petitioner may renew prayer for bail, if the



trial is not concluded within nine months from the date of receipt /production of a copy of this order before the learned court below itself.

(Birendra Kumar, J)

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