

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19143 of 2019

Arising Out of PS. Case No.-194 Year-2018 Thana- BHAWANIPUR District- Purnia

NIWASH KUMAR @ NIWAS KUMAR Son of Sri Hira Mandal Resident of
Village - Madhawapur, P.S.- Bhawanipur (Balua O.P), District- Purnea (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar 1
For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 304B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

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 23.09.2018 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. There is no eye witness to the



alleged occurrence. There is no substantive evidence to suggest his implication in the present case.

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 of the deceased.

Considering the nature of allegation, I am not inclined to grant bail to the petitioner in connection with Bhawanipur (Balua O.P.) P.S. Case No. 194/2018. Prayer is rejected. The Trial Court is directed to expedite the trial preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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