

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76413 of 2018

Arising Out of PS. Case No.-236 Year-2017 Thana- BAIRIYA District- West Champaran

Radha Mukhiya, Son of Mangani Mukhiya, Resident of Village-Nauka Tola
Koiri Patti, P.S. Bairiya, Distt.-West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.
For the Opposite Party/s : Smt. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-01-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the victim, is languishing in custody since 14.08.2018 in a case registered for the offences punishable under Sections 304(B) and 120(B) of the Indian Penal Code.

The prosecution case as per the written report of Durgawati Devi, submitted to the S.H.O., Bairiya P.S. is to the effect that the marriage of the daughter of the informant, Sima Devi was performed with the petitioner. Subsequently, further dowry demand of a motorcycle was made and due to non-fulfillment of the same, in-law family members including the petitioner, used to torture the daughter of the informant and gave her life threatening. Ultimately, on 07.08.2017, the daughter of



the informant was killed by throttling but the accused persons tried to shape the same as suicide.

It is submitted by learned counsel from the petitioner that though the date of marriage has not been given in the FIR, but during the investigation it has been found that the marriage between the daughter of the informant and the petitioner was performed about four years prior to lodging of the present case. In fact, there was quarrel between the husband and wife and due to the same, the victim committed suicide. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State after going through the case diary submits that postmortem reflects that the death was caused due to hanging.

Considering the fact that the petitioner is husband of the victim and the victim died within four years of marriage coupled with the demand of dowry, this Court is not inclined to grant bail to the petitioner for the present, in connection with **Bairiya P.S. Case No. 236 of 2017**, pending in the Court of learned **Addl. Chief Judicial Magistrate-IV, Bettiah, West Champaran**.

Accordingly, the prayer for bail of the petitioner in the



aforementioned case, is rejected.

However, it is expected from the learned Court below to expedite the trial. The petitioner would be at liberty to renew his prayer for bail, if the trial is not concluded within a period of one year.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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