

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74143 of 2018

Arising Out of PS. Case No.-29 Year-2017 Thana- EKCHARI District- Bhagalpur

Udai Mandal @ Udho Mandal son of Umesh Mandal resident of Village-
Ekchari, P.S.- Ekchari, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Adv

For the Opposite Party/s : Mr.Sri Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 03-05-2019 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), 201/34 of the Indian
Penal Code.

Wife of this petitioner died within few years of
her marriage in her matrimonial home in unnatural
circumstances. The dead body was disposed of without any
information to the local police or to her parents. The FIR reveals
that there is allegation of demand of dowry and torture for the
same soon before death. Further allegation is of commission of
dowry death.

To rebut the presumption of law or to prove the
charge under Section 304B I.P.C., it is not necessary that at the



time of death, the accused should be present there. Therefore, there is no merit in the submission of learned counsel for the petitioner that at the time of death petitioner was in Calcutta.

Considering the nature of allegation and material available on the record, I am not inclined to enlarge the petitioner on bail in connection with S.Tr.No.320 of 2018 corresponding to Ekchari P.S.Case No. 29 of 2017 pending in the court of learned Sessions Judge, Bhagalpur. Hence, prayer is refused.

The learned Trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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