

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52860 of 2019

Arising Out of PS. Case No.-177 Year-2017 Thana- PATORI District- Samastipur

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MUKESH KUMAR @ MUKESH KUMAR ROY @ MUKESH KUMAR
RAI @ MUKESH RAI S/o Udai Rai @ Udai Kant Rai R/o village- Sultanpur
Chhaurahi, P.S.- Patory, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 18-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offence punishable under Section 304B/34 of the Indian Penal
Code in connection with Patori P.S. Case No. 177 of 2017.

Petitioner is husband of the victim of dowry death.
The petitioner is in custody since 26.06.2019. Allegation is of
demand of dowry and torture for the same before death of the
victim.

For commission of offence under Section 304B
physical presence of the accused is not necessary. Hence, there
is no merit in the submission that petitioner was doing work of
labour at Delhi at the time of occurrence. Likewise some other



co-accused have been acquitted in the trial could not make out a case for grant of bail to the petitioner. Hence, I am not inclined to enlarge the petitioner on bail for the present.

If the trial is not concluded within nine months from today, the petitioner may renew the prayer for bail before the trial Court itself. The trial Court is directed to expedite the trial.

Let a copy of this order be sent to the learned Chief Judicial Magistrate, Samastipur, to ensure immediate commitment of the case to the Court of Session.

(Birendra Kumar, J)

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