

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3359 of 2019

Arising Out of PS. Case No.-79 Year-2018 Thana- MANIGACHI District- Darbhanga

Yashodanand Mishra Sri Hem Narayan Mishra Village - Makranda,
Bhandarso, P.S. Manigachhi, District-Darbhangha (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Gupta

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 08-04-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered under
Section 304B read with Section-34 of the Indian Penal Code.

The prosecution case, in brief, is of committing torture and
caused death of the victim due to non-fulfillment of demand of
dowry.

It has been submitted on behalf of the petitioner that the
petitioners have got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The petitioner is in custody since 11-09-2018. Charge
sheet in this case has already been submitted. The petitioner has
been falsely implicated in the present case. There is no other
substantive evidence to suggest the implication of the petitioner
in the present case. The petitioner has been made accused in the



present case due to mistake of fact. The date of occurrence is said to be 13-03-2018 and the FIR has been instituted on 28-03-2018. The delay in instituting the FIR has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State and the informant, it is submitted that the petitioner is named in the FIR. The petitioner is alleged to be husband of the deceased. The onus is upon him to explain the cause of death of the deceased. The son of the deceased has been examined in paragraph-24 of the case diary and he has supported the allegation, made in the FIR.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Manigachhi P.S. Case No. 79 of 2018 is rejected.

Trial court is directed to expedite the trial.

(Sudhir Singh, J)

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