

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15530 of 2020

Arising Out of PS Case No.-199 Year-2017 Thana- TAJPUR District- Samastipur

Manish Kumar (Male aged about 27 years) Son of Jhari Rai @ Deepla Rai,
Resident of Village- Darba, P.S.- Tajpur (Halai), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the State : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Dhananjay Kumar, learned counsel for the petitioner and Mr. Jai Narain Thakur, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. This is the second attempt for bail of the petitioner as earlier such prayer was rejected in Cr. Misc. No. 67853 of 2018 by order dated 19.12.2018.

4. The petitioner is in custody in connection with Tajpur (Halai OP) PS Case No. 199 of 2017 dated 08.07.2017 instituted under Sections 498A and 304B/34 of the Indian Penal Code.



5. The allegation against the petitioner, who is the husband of the deceased, is of burning his wife.

6. Learned counsel for the petitioner submitted that he is the husband of the deceased and his father and mother have also been made accused. Learned counsel submitted that the story is concocted as marriage had taken place three years prior to the date of incident i.e., 14.07.2017 and between that period there was no complaint made anywhere with regard to any demand of dowry. Learned counsel submitted that the petitioner is the sole bread earner and his parents are old and, thus, he used to support them, which was not liked by the deceased due to which she committed suicide by burning herself. Learned counsel submitted that the petitioner is in custody since 01.08.2018. It was further submitted that earlier when the bail was rejected, the Court had observed that at that stage, since the case had been committed, prayer for bail was rejected. Learned counsel submitted that there is discrepancy in the place of occurrence, inasmuch as, at one place it has been shown that death occurred inside the house whereas at another place, it was shown that the body was outside the house.

7. Learned APP submitted that after three years, it cannot be believed that the deceased would commit suicide on an issue which was trivial. It was further submitted that even if it is



accepted that the deceased objected to the petitioner supporting his parents, it was not an issue on which she would take her life. Learned counsel further submitted that since the last rejection order, no fresh ground has been made for grant of bail and the petitioner being the husband and death having occurred in the matrimonial home, the petitioner cannot be said to be innocent. It was submitted that there is no discrepancy with regard to the place of occurrence as death occurred inside the house whereafter the body was brought outside.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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