

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12394 of 2020

Arising Out of PS. Case No.-60 Year-2019 Thana- AURAI District- Muzaffarpur

Sudhir Kumar @ Sudhir Kumar Giri S/o Shri Narayan Giri R/o village-
Bedaul, P.S.- Aurai, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms.Madhubala Verma Adv.
For the Opposite Party/s :	Mr.Syed Mojibur Rahman APP
For the Informant :	Mr. Sarvottam Kumar Sarkar, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-06-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner, informant and the learned APP for the State.

The petitioner seeks bail in Aurai P.S. case No. 60 of 2019 instituted for the offence under Sections 304B/34 of the IPC.

The marriage of the informant's daughter was solemnized in the year 2014. The allegation in the F.I.R. is that the accused



persons used to torture his daughter without any rhyme or reason and used to give threat to kill her. The FIR has been lodged under Section 304B of the I.P.C.

The counsel for the petitioner submits that from the FIR itself it is apparent that there is not even a whisper regarding the demand of dowry. The prosecution launched under Section 304B of the IPC is therefore without any basis. The FIR further discloses that information regarding her daughter's being unwell has been received on 04.03.2019. The death has allegedly taken place on 05.03.2019 only thereafter the FIR has been lodged. FIR, however does not disclose what has transpired in between 04.03.2019 and 05.03.2019.

The petitioner's counsel further submits that the statement of the neighbours of the in-laws recorded in the course of investigation reveals that the victim was of very cantankerous nature and has consistently been creating lot of ruckus in the family of in-laws.

The learned APP opposed the prayer for bail by submitting that death had occurred in the matrimonial home and the specific allegation of torture and threat has been stated in the FIR. The postmortem report reveals that death has occurred on account of asphyxia due to hanging.



Considering the rival submissions, this Court, for the present, is not inclined to allow the petitioner's prayer for bail.
Prayer for bail is rejected.

(Madhuresh Prasad, J)

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