

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13831 of 2020

Arising Out of PS. Case No.-249 Year-2017 Thana- DARIYAPUR District- Saran

=====

NARESH MANJHI Son of Gular Manjhi Resident of Village-Kakrahat,
Sutihar, Police Station-Derni, District-Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Narendra Kumar

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 30-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

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

The petitioner seeks bail in Dariyapur P.S. Case No.
249 of 2017 instituted for the offences under Sections 304B,
201/34 of the Indian Penal Code.

Allegation against the petitioner is of committing
torture and thereafter caused death of the victim due to non-
fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. From perusal of the F.I.R. itself, it appears that the informant is not an eye witness to the occurrence. There is no allegation of demand of dowry. Hence, no offence under Section 304(B) IPC is made out.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The petitioner is husband of the deceased. Hence, the onus is on him to explain the cause of death of the deceased. The post-mortem reports corroborates the allegations made in the F.I.R. There is ligature mark on the neck of the deceased. The cause of death is said to be strangulation.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner. Prayer is rejected. If the petitioner surrenders in the Court below and prays for regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

