

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21271 of 2020

Arising Out of PS. Case No.-173 Year-2019 Thana- DALSINGHSARAI District- Samastipur

MITHILESH RAY Son of Late Sahdeo Ray Resident of Village - Asinchak,
P.S.- Dalsinghsarai, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Adv.

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-09-2020 Heard the learned counsel for the petitioner and Ms. Madhuri Lata, the learned APP for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 623 of 2019 arising out of Dalsing Sarai P.S. Case No. 173 of 2019, registered for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

The allegation is regarding the petitioner herein, who is the husband of the deceased victim lady, having killed his wife i.e. the daughter of the informant in conspiracy with other accused persons on account of non-fulfillment of the



demand for dowry and thereafter, having thrown the dead body in the pond.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent as also he is languishing in custody since 03.07.2019. It is further submitted that though the occurrence is stated to have taken place on 23.06.2019, but the FIR was filed belatedly only on 02.07.2019, which goes to show the falsity of the prosecution story as also false implication of the petitioner herein in the alleged occurrence. It is submitted that the fact is that the daughter of the informant had committed suicide by jumping in the pond.

Per contra, the learned APP has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, perused the materials on record and gone through the case diary in question from which it is apparent that the complicity of the petitioner, who is the husband of the deceased victim lady, is writ



large on the records. In fact, the postmortem report dated 25.06.2019 shows that the time elapsed since death is about 36 hours, which means that the deceased victim lady was missing since a long time, however, the petitioner had not bothered to lodge a missing report regarding his wife with the police, which further creates a doubt about the innocence of the petitioner, hence, the materials available on record definitely shows that a prima facie case is made out as against the petitioner herein for the offences alleged, thus, I do not find any merit in the present petition, accordingly, the same stands dismissed.

(Mohit Kumar Shah, J)

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