

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26851 of 2020**

Arising Out of PS. Case No.-86 Year-2018 Thana- KHAJAU LI District- Madhubani

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UMESH DAS @ UMESH KUMAR DAS S/o Rajendra Das Resident of
Village-Sukki, P.S.-Khajauli, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-10-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner seeks regular bail in connection with
Khajauli Police Station Case No. 86 of 2018, registered for the
offences punishable under Sections 304-B/34 of the Indian
Penal Code.

The allegation against the petitioner, as per the First
Information Report, is that the marriage of the daughter
(deceased) of the informant was solemnized with the petitioner
in the year 2011-12 and just after the marriage, the petitioner,
along with family members, started demanding dowry and due
to non-fulfillment of the same, the petitioner and other family
members used to torture the deceased and on 07.06.2018, the



informant got information on mobile that accused persons, including the petitioner, killed the deceased for want of dowry. It has further been alleged that upon receiving information, the informant along with his wife and other relatives went to the matrimonial home of the deceased where they found the dead body of the deceased lying in the verandah.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of general and omnibus allegation. He further submits that the petitioner is the husband of the deceased and in course of investigation, no material has come against the petitioner.

On the other hand, learned Additional Public Prosecutor submits that from perusal of the impugned order, it appears that the learned Court below, while rejecting the prayer for bail, has considered the inquest report and the post-mortem report of the deceased and the doctor has opined the death of the deceased due to asphyxia by strangulation and there is history of demanding dowry and torture upon the deceased and the petitioner, being the husband of the deceased, is not entitled to be released on bail.

Having heard learned Counsel for the parties and



taking into consideration the materials on record and the fact that within seven years of marriage, the deceased has been killed in her matrimonial home in suspicious condition and charge-sheet has been submitted against the petitioner, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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