

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28947 of 2020

Arising Out of PS. Case No.-131 Year-2019 Thana- BYPASS District- Patna

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DHIRAJ KUMAR Son of Umesh Mahto Resident of Mohalla- Bahari
Begampur Mandaiper, P.S.- Bypass, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rudra Deo, Adv.
For the Opposite Party/s	:	Mr. Laxshmi Kant Sharma, APP
For the Informant	:	Mr. Nagendra Kumar Singh Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Mr. Laxshmi Kant Sharma, learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.

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



Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Bye Pass P.S. Case no. 131 of 2019, instituted for the offence under Sections 498A and 304B/34 of the I.P.C.

The informant's daughter, as per prosecution case, was married two years back. It is alleged that the petitioner (husband) and other in-laws started demanding Rs. five lacs and on non-fulfillment of the demand for dowry, subjected her to torture. On 11.03.2019, the petitioner's mother has informed about death of daughter-in-law to the informant, whereafter, she has come to the in-laws house only to find her daughter dead.

It is submitted by the petitioner's counsel that it is a case of false implication. In fact, the daughter of the informant has committed suicide. Even as per the prosecution case, the intimation, regarding the death of the victim, was communicated from the petitioner's house. At the trial, only charges have been framed till date.

The petitioner is in custody since 19.05.2019.

The learned APP has submitted that the petitioner is



husband of the deceased. Specific allegations raising the presumption under Section 304B have been levelled against the petitioner. The charges have also been framed against the petitioner and it is, in fact, the petitioner being husband who owed entire responsibility for safety and dignity of his wife (deceased).

Considering the rival submission, 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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