

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80172 of 2019

Arising Out of PS. Case No.-255 Year-2019 Thana- BIDUPUR District- Vaishali

SHIVCHANDRA RAI Son of Nageshwar Rai Resident of Village -
Jurwanpur, P.S.- Bidupur, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vasant Vikas
For the Opposite Party/s	:	Mrs. Renu Kumari, APP
For the Informant	:	Mr. Raja Ram Rai.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Bidupur P.S. Case No. 255
of 2019 instituted for the offences under Sections 304(b), 34 of
the Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

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 is in custody since 6.9.2019 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been



submitted in the present case. The petitioner has falsely been implicated in the present case. The marriage was solemnised in the year 2004. Hence, the offence under Section 304B IPC is not made out. There is no eye witness to the occurrence. In course of supervision, one of the daughter of the petitioner has not supported the case of the prosecution.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R. The petitioner is the husband of the deceased. The onus is on him to explain the cause of death. Two children of this petitioner whose statements have been recorded in paragraphs 45 and 46 of the case diary have categorically stated that the petitioner used to assault his wife and they have supported the prosecution case. It is further submitted that the supervision note cannot be looked into in the light of a number of decisions of the Hon'ble Supreme Court.

Considering the nature of allegation, I am not inclined to grant bail to the petitioner. Prayer is rejected.

(Sudhir Singh, J)

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