

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85453 of 2019

Arising Out of PS. Case No.-585 Year-2014 Thana- MADHEPURA District- Madhepura

BITTU SADA Son of Jagan Sada @ Jogen Sada Resident of Village -
Hariraha Ratanpura, P.S.- Madhepura (Ghailarh), Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Adv.

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-03-2020 A supplementary affidavit has been filed on behalf of

the petitioner with a prayer for making necessary correction in

the prayer portion of the main application.

Permission is accorded.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner, being the husband of the victim, is

languishing in custody since 04.02.2019 in a case registered

for the offences punishable under Sections 304B and 201/34 of

the Indian Penal Code.

The prosecution case got initiated on the basis of

written report of Gajendra Sada submitted before the Station

House Officer, Ghailarh O.P. Police Station is to the effect

that the niece of the informant namely Babita Devi was



married with petitioner about five years prior to the lodging of the present case and subsequently, she was blessed with a male child. Thereafter, she was being tortured for non-fulfillment of further dowry demand of a motorcycle and ultimately, she was killed by all the FIR named accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that the victim was suffering from some serious abdominal ailment, as a result, she died on the way while she was being taken to the Sadar Hospital for treatment. Moreover, during trial of co-accused persons, the witnesses have not supported the accusation levelled in the First Information Report. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the thrust of accusation is against the petitioner, being the husband of the victim.

Considering the thrust of accusation against the petitioner, being the husband of the victim, who was arrested on 04.02.2019 though the FIR was registered in 2014 and the fact that except the petitioner, other co-accused persons are facing trial, this Court is not inclined to grant bail to the



petitioner.

Accordingly, the prayer for bail of the petitioner is rejected, in connection with S. Tr. No.185 of 2019, arising out of Madhepura (Ghailarh) P.S. Case No. 585 of 2014 (s), pending before the learned ADJ-II, Madhepura.

However, the petitioner would be at liberty to renew the prayer for bail after the examination of the informant in the trial of the petitioner.

(Dinesh Kumar Singh, J)

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