

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14739 of 2021

Arising Out of PS. Case No.-89 Year-2018 Thana- PIYAR District- Muzaffarpur

Md. Kalam Ansari, Male, aged about 40 years, son of Md Mehdi Hassan Ansari R/o village- Karela, P.S.- Pear, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 05-10-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for short '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 to do so by the office.

The petitioner seeks bail in Pear PS Case No. 89 of 2018, instituted for the offence under Sections 304(B)/34 of the Indian Penal Code.

The petitioner is in custody since 01.10.2020. It is submitted that it is a case of false implication. In fact, even as per the First Information Report, it is the petitioner who has given information regarding the death of the informant's sister.

The learned APP representing the State opposed the



prayer for bail. It is submitted that from perusal of the viscera report it is apparent that poison was detected in viscera of the victim. The petitioner is the husband. The death has occurred at the matrimonial home within seven years of the marriage and there is allegation regarding demand of dowry. Being husband petitioner is primarily responsible for safety and dignity of the victim. Apart from the fact that the presumption arises against the petitioner in terms of the provisions contained in Section 304B of the Indian Penal Code.

Considering the rival submissions, this Court is inclined to accept the submissions advanced by the State Counsel. This Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected for the present.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

