

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17163 of 2021**

Arising Out of PS. Case No.-132 Year-2019 Thana- SANDESH District- Bhojpur

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BINOD RAI SON OF GUPTESHWAR PANDEY RESIDENT OF
VILLAGE- KHANDOL, P.S.- SANDESH, DISTRICT- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned

A.P.P for the State.

The petitioner seeks bail in Sandesh P.S. Case No. 132

of 2019, registered for the offence punishable under Sections

304B/34 of the Indian Penal Code.

As per the prosecution case, petitioner and other

accused persons are alleged to have committed murder of

informant's sister for non-fulfillment of demand of dowry.

Petitioner is husband of the deceased.



It is submitted on behalf of the petitioner that petitioner is innocent and has committed no offence. No such occurrence has ever taken place and there was no demand of dowry by the petitioner. In fact, deceased caught fire in her Saree while cooking food and she was taken to the hospital by mother of petitioner with the help of co-villager and petitioner was not even present in the house on the alleged date of occurrence. Later on she succumbed to the injuries. Entire prosecution case is malicious and this false case has been filed with ulterior motive and subsequently, the informant realizing his mistake entered into compromise outside the court. Petitioner is in custody since 24.08.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is direct allegation of demand of dowry against the petitioner and deceased died at her sasural within seven years of her marriage in other than normal circumstances.

Considering the facts aforesaid and the nature of allegation and the fact that petitioner is husband of the deceased and deceased died in unnatural circumstance within seven years of marriage, I am not inclined to enlarge the petitioner above-



named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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