

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21719 of 2021

Arising Out of PS. Case No.-461 Year-2019 Thana- RAJGIR District- Nalanda

SANTOSH KUMAR Son of Gopal Prasad Resident of Village - Bari Milki,
P.S. Rajgir, District Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-12-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 304B and 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant was married to the petitioner herein in the year 2006. It is stated that all the accused persons including the petitioner started to physically and mentally tortured the informant's daughter for non-fulfillment of the demand of dowry. This led to filing a G.R. Case no. 1311 of 2017 wherein the allegations were found to be true.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the



deceased. In course of investigation it transpired that the Investigating Officer who visited the place of occurrence found that the death had occurred as a result of hanging from the fan in the room with the help of a saree. Thus, it is submitted that at best it would be a case under section 306 of the Indian Penal Code. The petitioner is in custody since 17.12.2019. He is the only one remaining in the family to look after his four year old daughter. The other co-accused have been enlarged on bail including anticipatory bail.

The application for bail is opposed by learned APP for the State who submits that the petitioner is the husband of the deceased and in postmortem report the cause of death is stated to be asphyxia due to strangulation.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegations in the FIR, the submission made with respect to the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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