

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27868 of 2021**

Arising Out of PS. Case No.-315 Year-2020 Thana- KHIJARSARAI District- Gaya

Raushan Kumar Son of Raj Kumar Singh Resident Of Village - Keni, Police
Station - Khijarsarai, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Ajay Mukherjee,Advocate
For the State	:	Mr.Sanjay Kumar Pandey,APP
For the Informant	:	Mr.Sanjay Kumar Sinha,Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 22-10-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Sanjay Kumar Pandey,
learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Khijarsarai P.S. Case No. 315 of 2020
registered for the offences punishable under Sections 304(B)/34
of the Indian Penal Code. The petitioner is in custody since
28.11.2020. He has no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the marriage between the daughter of the
informant and this petitioner was solemnised on 28.06.2020. It
is alleged that after her marriage the daughter of the informant
was being tortured by her in-laws. The informant got
information on 12.10.2020 that his daughter has been killed by



throttling her neck. The informant further alleged that when he reached the *sasural* of his daughter, the petitioner who is the husband of the deceased was found absconding.

Learned counsel for the petitioner submits that the petitioner being husband has been falsely implicated in this case. According to him, the deceased was in habit of talking with another boy and when it was objected to by the petitioner, she started quarreling with him and committed suicide by hanging.

Learned counsel for the informant as well as learned APP for the State have opposed the prayer for regular bail of the petitioner. It is submitted that in course of investigation, police has recovered the CDR of the mobile phone of the deceased and analysed the same but on analysis of the CDR no phone number of any boy could be found and as such the allegation that the deceased was talking to some other boy is not correct. It is submitted that in course of investigation, the witnesses have stated that the deceased had quarreled with the petitioner and further the *post-mortem* report shows death due to the *anti-mortem* injury caused on the neck.

Having regard to the facts and circumstances of the case, particularly that the marriage between the parties was



solemnised only about three and half months back and the death has taken place within the four corners of the matrimonial home of the petitioner and then there are allegations of demand of dowry which are getting substantiated from the statement of the witness from whom the father of the deceased had borrowed money to fulfill the demand, in the nature of the materials present before this Court and that the petitioner is in custody only since 28.11.2020, this Court is not inclined to release the petitioner on bail at this stage. The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

Learned trial court is expected to take all endeavours to conclude the trial as early as possible preferably within a period of one year from the date of communication of this order.

If the trial remains unconcluded within the aforesaid period for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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asNote: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

