

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29561 of 2020

Arising Out of PS. Case No.-152 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

Manish Kumar @ Manish Kumar Singh Son of Arun Singh Resident of
Village-Ratanpur (Ratanpur O.P.), P.S.-Town, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 11-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 498A/304B/34 of the Indian Penal Code in connection with Nagar (Ratanpur O.P.) P.S. Case No. 152 of 2019.

According to FIR, wife of this petitioner died in unnatural circumstances in the house of the petitioner on 03.03.2019. There is allegation of demand of dowry and torture for the same before death. The informant, who is mother of the victim, got information about the occurrence on 03.03.2019 itself. The post mortem examination was done on 03.03.2019 itself and the doctor found a case of throttling.



Learned counsel for the petitioner submits that the petitioner is in custody since 31.08.2019. Investigation of the case is already complete. Serious doubt is there in the prosecution version for the reason that when the informant had already got information of death on 03.03.2019 there was no reason for lodging the FIR on 14.03.2019 after performance of the entire rituals. Moreover, the post mortem report would also reveal that the doctor had acted in perfunctory manner because while examining the neck tissues the doctor has simply recorded that everything were congested. There was no specific mention whether neck bone were fractured or not. Just for undue pressure the false case was lodged.

Considering the fact that the victim died within a year of marriage in unnatural circumstances in the house of the petitioner and there is allegation of demand of dowry and torture for the same as well as considering the presumption of law against the petitioner, I am not inclined to enlarge the petitioner on bail for the present. Hence, the prayer for bail is refused.

The learned trial Court is directed to expedite the trial and conclude the same within nine months, failing which



the petitioner would be at liberty to renew the prayer for bail
before the trial judge itself.

(Birendra Kumar, J)

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