

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32713 of 2020

Arising Out of PS. Case No.-138 Year-2018 Thana- BELA District- Sitamarhi

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RAMU MANDAL Son of Rupnarayan Mandal @ Sakur Mandal Resident of
Village - Nocha, P.S. - Bela, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-01-2021 Heard Mr. Alok Kumar Alok, learned counsel for the

petitioner and Mr. Akshay Lal Pandit, learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Bela
P.S. Case No. 138 of 2018 registered for the offences punishable
under Sections 304(B)/34 of the Indian Penal Code 1860.

The allegation as per the First Information Report is
that the daughter of the informant was married to the petitioner
about 5-6 months back and just after the marriage, the petitioner
along with his other family members started demanding
Motorcycle by way of dowry and due to non-fulfillment of the
demand, the daughter of the informant has been burnt to death.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged



and he has falsely been implicated in this case merely on the basis of the fact that he happens to be the husband of the deceased. Learned counsel further submits that the petitioner is working in Asansol and on the date of occurrence he was not present in the village. This fact has been corroborated in the statement of independent witnesses recorded during course of investigation in paragraphs 69 and 70 of the case diary. Learned counsel also submits that the deceased locked herself in a room and committed suicide by burning herself. Learned counsel next submits that this fact has been stated by the witnesses residing near the house of the deceased.

On the other hand, learned counsel for the State submits that there is specific allegation of demand of dowry against the petitioner and the informant has specifically stated in the First Information Report that just ten days before, he had gone to meet his daughter and his daughter had informed him that the co-accused persons were pressurizing her i.e. deceased to bring Motorcycle, otherwise, she would be killed and just after 5-6 months of the marriage, the deceased died in her matrimonial home in suspicious circumstances. Learned counsel further submits that there is presumption under Section 113B of the Evidence Act against the petitioner and others.



Having regard to the submissions made by the parties and taking into consideration the materials on record, the nature of allegation in totality and the fact that within 5-6 months of the marriage, the deceased has died in her matrimonial home, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after nine months if the trial does not show any progress.

(Anil Kumar Sinha, J)

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