

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.244 of 2021**

Arising Out of PS. Case No.-98 Year-2019 Thana- NAVINAGAR District- Aurangabad

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HARENDRA RAJAK Son Of Late Rhura Rajak Resident Of Village -
Chapari,P. S. -Nabinagar, District - Aurangabad.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Nivedita Nirvikar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

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

4 06-04-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Damodar Prasad Tiwary, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Nabinagar P.S. Case No. 98 of 2019 registered
for the offence punishable under Sections 304 B and 34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that it is a
case of false implication of the petitioner. The wife of the
petitioner died due to hanging herself.

It is further submitted that the brother of the deceased



has sworn affidavit (Annexure '2') saying that his sister died by hanging herself while she was alone in her house.

On the other hand, learned A.P.P. for the State submits that in this case petitioner is the husband of the deceased. The marriage between the petitioner and the deceased had taken place in the year 2018 and within few months of the marriage the wife of the petitioner died in her matrimonial home. The post-mortem report shows death due to asphyxia, however, the injury reported on the body is in the nature of an ante-mortem injury to the neck said to have been caused by asphyxia by hanging of the same ligature.

Learned A.P.P. for the State submits that there are also allegations that the petitioner was making demand of dowry and for non fulfillment of the demand the sister of the informant was killed.

So far as the affidavit sworn by the informant who happens to be the brother of the deceased is concerned, learned A.P.P. for the State submits that such affidavit cannot be looked into for purpose of bail.

Considering the facts and circumstances of the case wherein this petitioner is the husband of the deceased, the death has taken place within few months of the marriage in the



matrimonial home and the post-mortem report shows death due to hanging and the nature of the injury is ante-mortem, this Court is not inclined to grant bail to the petitioner at this stage.

Let the trial be expedited.

If the trial is not concluded within a period of nine months for no reason attributable to the petitioner, the petitioner may renew his prayer for bail.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: 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'.

