

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1736 of 2021**

Arising Out of PS. Case No.-54 Year-2019 Thana- PHULPARAS District- Madhubani

ISHWAR LAL KAMAT @ KARI KAMAT S/o Late Bikau Kamat R/o
village- Suriyahi, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur
For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 03-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 23.05.2020 in connection with Phulparas P.S. Case No. 54/2019 registered for the offences punishable under Sections 304(B)/201/34 of the Indian Penal Code.

As per the prosecution case, daughter of the informant was married with the petitioner in the year 2017 and after marriage, this petitioner along with other in-law members starting demanding dowry and due to non-fulfillment of the same, she was tortured and killed.

It is submitted on behalf of the petitioner that from bare perusal of the F.I.R., it is apparent that this petitioner has never demanded any dowry and at the relevant point of time,



petitioner was in Gurgaon and it was this petitioner who gave information to the informant on mobile phone on 22.01.2019. It is further submitted that though the informant claims to know about the death of her daughter on 22.09.2019, FIR has been lodged after a delay of two days i.e., on 24.09.2019 for which no plausible explanation has been given.

However, learned A.P.P. appearing on behalf of the State vehemently opposed the bail application and submitted that petitioner is the husband of the deceased and in view of the fact that the specific allegation of demand of dowry is against this petitioner and the deceased has died within seven years of marriage in unnatural circumstance in her matrimonial home, the petitioner does not deserve the privilege to be enlarged on bail.

Considering the facts and circumstances of the case and taking into consideration that petitioner is the husband who has the moral responsibility to take care of his wife and also there is allegation of demand of dowry, I am not inclined to grant bail to this petitioner.

It is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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