

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38907 of 2020

Arising Out of PS. Case No.-433 Year-2019 Thana- HARSIDHI District- East Champaran

DINESH RAM S/o Jayram Ram R/o Village- Yadavpur, Bharati Tola, P.S.-
Harsidhi, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Karandeep Kumar, Advocate
		Mr. Dhananjay Kumar Tiwari, Advocate
For the Opposite Party/s :		Mr. Kumar Virendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 20-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Kumar Virendra Narayan, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Harsidhi P.S. Case No. 433 of 2019 registered for the offences punishable under Section 304 (B), 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the marriage between the petitioner and the deceased had taken place about eight years ago. They have got three children out of the wedlock, however, there is an



allegation that the petitioner had been demanding dowry and for non-fulfillment of the demand the niece of the informant has been killed by pressing her neck.

Learned counsel submits that the petitioner is innocent and has been falsely implicated in this case. He is the husband of the deceased and it is difficult to believe that for eight years of marriage the petitioner would indulge in demand of dowry. He is in custody since 27.12.2019.

On the other hand, learned APP for the State has gone through the case diary and submits that the one of the sons of the petitioner is eye witness of the alleged occurrence. He is six years old and has narrated the entire story and also got recorded his statement under Section 164 Cr.P.C. and in his statement the boy has stated that his father came in drunken condition during the night hours, had a quarrel with his mother and in the said quarrel the father pressed the neck of the mother. Learned APP submits that the witnesses in paragraph-30 and paragraph-31 of the case diary have stated that this petitioner happens to be a blunt kind of person and for that reason he had been separated from the other family members.

Having regard to the facts and circumstances of the case, the nature of materials coming before this Court in form of



the statement of his own son under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. and the post-mortem report showing death due to asphyxia and ligature mark with the over pressed right part of the neck have been found, this Court is not persuaded to release the petitioner on bail.

Prayer for bail is thus refused.

In view of custody of the petitioner 27.12.2019, this Court expects that learned trial court shall proceed with the trial as early as possible and all endeavors be made to conclude to trial within a period of one year from the date of start of normal functioning of the Court.

If the trial is not concluded within the aforesaid period for no reason attributable to the petitioner, he may renew his prayer for bail.

Thus, the application stands disposed of.

(Rajeev Ranjan Prasad, J)

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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'.

