

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40252 of 2020

Arising Out of PS. Case No.-249 Year-2019 Thana- NOKHA District- Rohtas

MUNNA SINGH @ MUNNA YADAV SON OF RAJENDRA SINGH
RESIDENT OF SHRIKHANDA, P.S.- NOKHA, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukund Mohan Jha

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 20-05-2021 Heard Mr. Mukund Mohan Jha, learned counsel for
the petitioner and Mr. Nawal Kishore Prasad, learned counsel
for the State through video conferencing.

Petitioner seeks regular bail in connection with Nokha
P.S. Case No. 249 of 2019 registered for the offence under
Section 304 (B) / 34 of the I.P.C.

The allegation as per the First Information Report is
that the marriage of the daughter of the informant was
solemnized with the petitioner on 05.06.2017 and after some
time the petitioner along with the co-accused persons started
demanding motorcycle as dowry and due to non- fulfillment of
the demand the accused persons tortured the deceased and on
20.12.2019 the petitioner informed the father of deceased that
his daughter was ill and has been admitted in hospital for



treatment and when the informant and others arrived at the hospital no body was present there and on the next day i.e. on 21.12.2019 at around 4 A.M. the informant got the news that his daughter has died.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence in the manner alleged. Learned counsel further submits that there was some scuffle between the petitioner and the deceased and on the fateful day she had taken wrong medicines due to which she died. Learned counsel thereafter submits that in the viscera examination it has come to light that she had consumed poison. Learned counsel further submits that the mother- in- law of the deceased has been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 32833 of 2020.

On the other hand, learned counsel for the State referring to the F.I.R. and case diary submits that there is allegation of continuous torture for demand of dowry and there is presumption under Section 113A as well as Section 113B of the Evidence Act against the petitioner, who is the husband of the deceased and the deceased has died within 07 years of marriage in her matrimonial home. Learned counsel further



submits that the case of the mother -in -law of the deceased and that of the petitioner, who is the husband of the deceased, is not at equal footing and the petitioner may not claim parity with the mother -in- law.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record and the fact that the deceased has died within 07 years of marriage in her matrimonial home, I am not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for grant of bail stands rejected.

However, the petitioner may renew his prayer for bail after completion of one year from today if the trial does not record any progress.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

