

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39508 of 2020

Arising Out of PS. Case No.-131 Year-2020 Thana- NARPATGANJ District- Araria

Shambhu Ram Son of Dhaneshwar Ram Resident Of Village - Ward No 12,
Fulha, Narpatganj, P.S. - Narpatganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the State : Mr.Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 12-03-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so.

Petitioner seeks bail in Narpatganj PS Case No. 131 of 2020 registered under Sections 304(B) of the Indian Penal Code.

The prosecution case alleges that the daughter of the informant was married five years back. For non fulfillment of demand for dowry she has been done to death in her matrimonial home. The petitioner is the husband.

It is submitted by learned Counsel for the petitioner that in the investigation, material has come regarding the victim being taken out from the room after breaking the door from the outside. This clearly indicates that no offence under Section 304 B has been made out. The petitioner is in custody since 08.07.2020.



Learned APP has opposed the prayer for bail. It is submitted that in view of the unnatural death in the matrimonial home within five years, the presumption under Section 304 B comes into play against the petitioner. Apart from that it is submitted that the defence of alleged suicide by the victim is also a fact for which the petitioner cannot escape of his liability being the husband of the victim he owes prime responsibility towards safety and dignity of his wife.

Considering the rival submissions, for the present, this Court is not inclined to allow the prayer for bail. The same is rejected.

(Madhuresh Prasad, J)

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