

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 3128 of 2021

Arising Out of PS. Case No.-443 Year-2019 Thana- CHIRAIYA District- East Champaran

MUKESH KUMAR @ MUKESH KUMAR RAI SON OF SHAMBHU PRASAD @ SHAMBHU RAI RESIDENT OF VILLAGE- SAMDA, POLICE STATION- CHIRAIYA, DISTRICT- EAST CHAMPARAN AT MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : M/s Setu Prateek, Sanjana, Advocates

For the Opposite Party/s : Mr Madan Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 09-08-2021 This case has been taken up for consideration today through Video Conferencing.

Heard learned counsel for the petitioner and the learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

Petitioner seeks bail in Chiraiya Police Station (for brevity, *PS*) Case No 443 of 2019 dated 31.08.2019 registered under Sections 304B, 201/34 of Indian Penal Code.

The informant has alleged that he had married his daughter (deceased) with the petitioner in the year, 2014. The case has been lodged on 31.08.2019 within five years of the marriage.

Learned counsel for the petitioner submits that the victim has died after undergoing treatment for delivery and was cremated in presence of her parents. The prosecution case is by



way of an afterthought on extraneous considerations to coerce the petitioner to solemnize marriage with the victim's younger sister.

Learned APP has opposed the prayer for bail. It is submitted that the body has been recovered in a very shocking circumstances. The arms and hands have been imputed and the body has been decomposed. The victim's body has been recovered on 05.09.2019, five days after lodging the First Information Report. There is no material to place on record by the petitioner to support the baseless submission regarding the death occurring in course of any treatment or in respect of cremation. The unnatural death has occurred within seven years of marriage at the matrimonial home. The petitioner, being husband, owes prime responsibility for safety and dignity of his wife.

Having considered the rival submissions and the fact that the petitioner has remained in custody since 10.06.2020, this Court, for the present, is not inclined to grant bail to the petitioner. Prayer is rejected.

(Madhuresh Prasad, J)

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