

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9023 of 2021

Arising Out of PS. Case No.-61 Year-2020 Thana- PANCHRUKHI District- Siwan

Ganesh Prasad, Son of Late Kapil Prasad, Resident of Village - Supauli, P.S.-
Pachurkhi, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha-1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 23-07-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Pachrukhi P.S. Case No.61 of 2020 registered for the offence
punishable under Section 304B of the Indian Penal Code.

Petitioner being the husband is accused of killing
the informant's daughter for non-fulfilment of demand of
motorcycle and cash of Rs.50,000/-.



Counsel for the petitioner submits that relationship of the petitioner with the victim was very much normal, which is evident from the fact that she was carrying about eight months' pregnancy. Petitioner's *bona fide* is evident from the fact that he was at home and had not fled away. There is no eye-witness to the occurrence. The informant has lodged the case one day after the death and this fact has come in the investigation that she has stated about lodging of the case after seeing the cause of death in the post-mortem report. Petitioner is stated to be in custody since 06.03.2020. It is submitted that death is by hanging and the post-mortem report to the extent states that the death is due to throttling.

Learned APP for the State has opposed the prayer for bail. He submits that being the husband, the petitioner is primarily responsible for the safety and dignity of the victim. Unnatural death has occurred in the matrimonial home within seven years of the marriage and there is an allegation of demand for dowry. Ingredients for raising a presumption against the petitioner under Section 304B of the I.P.C. are clearly to be found. Apart from this, it is submitted that the post-mortem report opined that the death was due to asphyxia, caused by throttling.



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

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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