

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4137 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- CHAKIA District- East Champaran

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MUNA RAM, Son of Jagdish Ram Resident of Village - Shitalpur, P.S. -
Chakia, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 20-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Chakia

P.S. Case No. 124 of 2021, dated 24.05.2021, registered

for the offences punishable under Sections 304 (B), 201 and

34 of the I.P.C.

As per allegation, the deceased/victim, namely,

Nilima Kumai, was wedded to the petitioner two years ago

and soon thereafter she was tortured on account of non-

fulfillment of illegal demand of additional dowry of Rs.

25,000/- and ultimately she was done to death.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that, as a matter of fact, his wife, the alleged victim, has died of illness. He also submits that the incident had occurred on 22.05.2021 and the F.I.R. has been lodged on 24.05.2021. He further submits that there is no witness examined, who are the resident of the alleged place of occurrence. He also refers to the statement in the case diary, as per which, I.O. has stated that the cause of death is not known.

The petitioner is languishing in jail since 23.08.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail submitting that the petitioner is the husband of the victim and the death has been caused within two years of her marriage. It is apparent



from the F.I.R. and the case diary that the husband or in-laws did not inform the parents of the deceased regarding her illness and death and they had cremated the dead body in a great hurry without giving any information to her parents. He further submits that Section 304(B) IPC clearly postulates that the onus is upon the husband of the deceased to prove that she had died of natural death which is missing in this case.

Considering the aforesaid facts and circumstances, this Court is not persuaded to enlarge the petitioner on bail and, accordingly, this petition is dismissed.

(Jitendra Kumar, J)

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