

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7550 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- VIJAYEPUR District- Gopalganj

Rajnath Prajapti S/o- Babulal Pandit @ Pandit Baboolal Jangli Resident of
Village - Parsauni, P.S. - Vijaipur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Vijaipur
P.S. Case No. 80 of 2021 registered for the offence under
Sections 304(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.08.2021.

The allegation against the petitioner, who is husband,
is to cause death of his wife/daughter of the informant, due to
non-fulfillment of demand of the dowry, as raised for one
motorcycle and cash.

Learned counsel appearing on behalf of the petitioner



submitted that occurrence is nothing but a suicide by family frustration, where petitioner has falsely been implicated in the present case. It is submitted that at the time of occurrence, petitioner was working as senior welder at AIIMS, Rai Bareilly (U.P.), which is evident from his attendance register. It is further submitted that informant is not the eye witness of the occurrence and not even single witnesses, who were examined, during the course of investigation suggest involvement of this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has already been submitted, as such, there is no chance of tempering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail submitted that the daughter of the informant was brutally murdered by this petitioner, who is none but the husband. It is submitted that cause of death, in post-mortem report, was found as "Strangulation", where multiple injuries were also found upon the face, clearly suggesting thereof that deceased was subjected to physical torture soon before the occurrence. It is further submitted that alibi is rule of evidence and is rebuttable, having no bearing



over the merit while disposing the present bail petition.

In view of the facts and circumstances as mentioned above, as there is specific allegation of demand of dowry against this petitioner who is husband, where cause of death of daughter of the informant appears “strangulation having multiple injuries over face”, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

The learned Trial Court is directed to conclude the trial, preferably, within a period of 09 (nine) months from the date of receipt of this order, by taking matter on board, on day-to-day basis, if required.

The Superintendent of Police, Gopalganj, is directed to produce the charge-sheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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

