

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11071 of 2022**

Arising Out of PS. Case No.-95 Year-2020 Thana- KHUDAGANJ District- Nalanda

Rajkapur Rajak S/o Chamari Rajak Resident of Village- Kochara, P.s.-
Khudaganj, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Pandey, Advocate
For the State	:	Mr. Shahabuddin Azeem @ S. Azeem, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 29-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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
Khudaganj P.S. Case No.95 of 2020 registered for the offence
under Sections 304B and 34 of Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.02.2021.

The allegation against the petitioner is to cause death
of the daughter of the informant, alongwith other co-accused



persons/family members due to non-fulfillment of the demand of dowry.

Learned counsel appearing on behalf of the petitioner submitted that victim was in habit to talk over telephone with some unknown person, and as same was objected by this petitioner, she committed suicide. It is also submitted that the allegation of demanding dowry is only to aggravate accusations. It is submitted that no external injuries were noticed during the course of post mortem upon the body of victim, where nothing surfaced during the course of investigation, which may suggest that act of petitioner is so active or direct act, leading the daughter of informant to commit suicide, being left with no option. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the bail submitted that it is not a case of suicide for the reason that post-mortem is loudly and clearly speaking cause of death as “asphyxia caused by strangulations”, where petitioner is the husband and dead body was found inside the house of the petitioner.



In view of the facts and circumstances, as mentioned above, and by taking note of cause of death as per post-mortem report, the prayer of bail of the petitioner is rejected herewith.

The learned Trial Court is directed to conclude the trial, preferably, within a period of 9 months from the date of receipt of the copy of this order, by taking this matter on board, on day-to-day basis, if required.

The Superintendant of Police, Nalanda 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)

S.Tripathi/-

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