

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12872 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- BHAWANIPUR District- Purnia

Md. Tanvir S/o Md. Irfan, R/o village- Babhanchaka, P.S.- Bhawanipur,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Ram Prawesh Kumar, Advocate
For the State	:	Mr. Anant Kumar 1, APP
For the Informant	:	Mr. Raj Kumar, Advocate Mr. Vijay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bhawanipur P.S. Case No. 179 of 2021
registered for the alleged offences under Sections 498(A), 341,
323, 304(B), 504, 506/34 of the Indian Penal Code.

As per prosecution case, the petitioner was the
husband of the deceased daughter of the informant and
allegation is demand of dowry and subsequent torture and
treatment with cruelty against the petitioner and other co-



accused persons. Further allegation is that the petitioner and other co-accused persons killed the daughter of the informant on non-fulfillment of their demand of dowry.

The learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant is not an eye witness and no person has come forward to say that he has seen the occurrence. There is general and omnibus allegation against the petitioner and other co-accused persons. The daughter of the informant committed suicide as she was mentally sick. The cause of death is stated to be the cardio respiratory failure due to asphyxia. Learned senior counsel further submits that it was the petitioner who gave information of death of the daughter of informant to him. Learned senior counsel further submits that the petitioner kept his wife with full dignity and honour and never demanded any dowry from her. The petitioner is in custody since 27.11.2021 and charge-sheet has been submitted. The petitioner has got no criminal history.

Learned APP for the State and learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that it has been mentioned in the F.I.R. itself that prior to the



occurrence, the informant was told about torture and rough treatment by his daughter by the petitioner and other co-accused persons. A *panchayati* was also held. The learned counsel further submits that the injuries have been found on the body of the deceased and postmortem report corroborates this fact. The postmortem report shows fracture of thyroid cartilage and fracture of right hyoid bone, which signifies that the daughter of the informant was brutally assaulted by the accused persons.

Having regard to the facts and circumstances and considering the fact that there is serious allegation against the petitioner who is the husband for causing death of his wife, I am not inclined to grant bail to the petitioner. Hence, his prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of one year.

(Arun Kumar Jha, J)

Ashish/-

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

