

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24572 of 2022

Arising Out of PS. Case No.-452 Year-2021 Thana- FATEHPUR District- Gaya

Md. Shahid @ Md. Shahid Ansari Son of Sabir Ansari R/O Village- Bhare,
P.S.- Fetehtpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. Tapeswar Sharma, APP
For the Informant	:	Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 07-12-2022 Heard learned counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

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

The petitioner seeks bail in connection with Fatehpur P.S. Case No. 452 of 2021 registered for the offence under Sections 304(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 29.12.2021.

The allegation against the petitioner is to cause death of daughter of the informant, alongwith other co-accused persons/family members, due to non-fulfillment of demand of dowry, as raised for Rs.1 Lakh.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case, as wife of the petitioner committed suicide out of frustration, arises due to daily domestic affairs. It is submitted that, as per F.S.L. report, even, no metallic, alkaloidal, glycosidal, pesticidal or volatile poison could be detected, which only support the allegation of hanging. It is also submitted that the allegation of demand of dowry is appearing omnibus and not specific against this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, submitted that while conducting medical examination, external injuries were noticed on the neck and wrist of the victim, suggesting that soon before the occurrence, victim was subjected to physical assault. It is pointed out that at the time of occurrence, the victim was carrying a foetus of around 7-8 months. It is also pointed out that the occurrence took place in the house of the petitioner, who is the husband.



In view of the facts and circumstances, as mentioned above, as marks of physical violence was noticed upon the deceased/wife of the petitioner, where occurrence took place in the house of the petitioner, in the background of demand of dowry, this Court is not inclined to grant bail to the petitioner, for the present.

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

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

Senior Superintendent of Police, Gaya is directed to produce all the chargesheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within the aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

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