

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33576 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- BABUBARHI District- Madhubani

MD. JAMAL SAFI Son of Md. Sabbir Safi Resident of Village - Belaha,
Mushari, P.S. Babubarhi, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
For the informant	:	Mr. Ganesh Sharma, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 26-04-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Babubarhi P.S. Case No. 180/2020 registered for the
offences punishable under Sections 304(B)/34 of the Indian
Penal Code 1860.

The prosecution case, as per the First Information
Report, is that the marriage of the daughter of the informant
was solemnized with the petitioner in the year 2017 and
within three years of the marriage, she has been killed in her
matrimonial home due to non-fulfillment of the demand of



dowry.

Learned counsel for the petitioner submits that the petitioner is the husband of the deceased and he has not committed any offence in the manner alleged. Learned counsel further submits that during course of investigation no evidence has come against the petitioner and only in the supervision note the police has stated that within seven years of marriage the daughter of the informant has died in her matrimonial home. The petitioner is in custody since 7.7.2020 and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the nature of allegation and the fact that the petitioner along with other accused persons tortured the deceased due to non-fulfillment of demand of dowry, the informant's daughter has died in unnatural condition in the matrimonial home within seven years of the marriage and there is presumption against the petitioner under Section 113-B of the Evidence Act, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner



stands rejected.

However, the petitioner may renew his prayer for
bail after one year if the trial does not show any progress.

(Anil Kumar Sinha, J)

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