

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30797 of 2022**

Arising Out of PS. Case No.-265 Year-2020 Thana- PANDAUL District- Madhubani

Shyam Mukhiya Son of Shivji Mukhiya Resident of Village-pandaul Mallah  
Tol, P.S.-Pandal, District-Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

3      15-09-2022                      The learned counsel for the petitioner is directed to  
  
remove all the defects pointed out by the Stamp Reporter within  
  
one month.

Heard learned counsel for the petitioner and the  
learned APP for the State.

Petitioner seeks regular bail in connection with  
Pandaul P.S. Case No.265 of 2020 registered for the offences  
under Sections 304B, 302/34 of the Indian Penal Code.

As per the allegation, the informant's daughter was  
married to the present petitioner three years ago and she was  
living in her matrimonial house. After about one and a half year  
all the accused persons started torturing the victim and on  
several occasions the informant tried to settle the matter but on  
18.10.2020 he got to know by the neighbours that his daughter



had been killed by the accused persons and the victim's dead body was lying with hanging mark present on her neck.

The main submissions advanced by the learned counsel Mr. Subhash Kumar Jha for the petitioner are that at the time of alleged incident, the petitioner who happens to be husband of the deceased, was not present at the place of occurrence and he was out of station for his livelihood and against him there is no specific allegation in the FIR and he has been languishing in jail since 20.10.2020 and the alleged offence of Section 304B of IPC is not made out and in the FIR it has not been alleged that the victim had been tortured for the demand of dowry before the happening of the alleged occurrence.

Learned APP Mr. Suresh Prasad Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. The petitioner happens to be the husband of the deceased and victim's marriage took place with this petitioner just three years before the happening of the alleged occurrence and the victim died unnatural death in the house of this petitioner and as per the informant who happens to be the father of the deceased, the petitioner and his family members tortured and hanged the



victim to death. Considering the nature of the allegation appearing against the petitioner, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

The trial Court is directed to expedite the trial of this petitioner and take steps to conclude the same as early as possible. If the trial of the petitioner is not concluded in the next one year then the petitioner may renew his bail prayer.

**(Shailendra Singh, J.)**

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