

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35143 of 2022

Arising Out of PS. Case No.-174 Year-2021 Thana- DANAPUR District- Patna

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Santosh Kumar S/O Late Chunnu Sao Resident of Mohalla- Jhakdi Mahadeo,
Dr. R.K.Chaubey Lane, Gola Road, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-09-2022 The case is heard through video conferencing.

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 Danapur P.S. Case No.174 of 2021 registered for the offence punishable under Section 304B/34 of the Indian Penal Code.

As per the prosecution, the victim was married to this petitioner in the year 2019 and just one or two months after the marriage the petitioner and his family members started torturing the victim for the demand of dowry and the victim's father fulfilled their demand to some extent but despite of that the



accused persons were not satisfied and they again started demanding amount of Rs.5,00,000/- from the victim's father and also threatened to kill the victim and thereafter the accused persons including the petitioner strangled the informant's daughter to death on account of their demand of Rs.5,00,000/- having been not fulfilled by the victim and her father.

The main submissions advanced by the learned counsel Mr. Sanjay Kumar Singh for the petitioner are that the petitioner has a clean antecedent, in fact the victim died due to hanging and not by strangulation as according to the postmortem report in the internal examination of the neck of the deceased byoid bone fracture at the neck of the deceased was found and the same was possible when one commits suicide by hanging oneself and due to this fact the opinion given by doctor concerned is completely suspicious and doubtful.

Learned APP Mr. Ramchandra Sahni appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the postmortem report of the deceased. As per the FIR the victim died an unnatural death within two years of her marriage and according to the victim's father the accused persons including the petitioner subjected the victim to torture for dowry demand.



As per the opinion of the doctor concerned who conducted the postmortem examination over the body of the deceased, the cause of death of the deceased has been opined to be due to strangulation. Considering the nature of the allegation appearing against the petitioner from the FIR, 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 in the next one year and if the trial of the petitioner is not concluded within the said period then the petitioner may renew his bail prayer.

(Shailendra Singh, J.)

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