

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49615 of 2021**

Arising Out of PS. Case No.-649 Year-2019 Thana- SARAIYA District- Muzaffarpur

=====

SRI RAM SAH @ SHREE RAM SAH Son of Sitaram Sah Resident of
Village- Dhanrajpur, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 24-03-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 304(B) and 34 of the Indian Penal
Code and Section 3/4 of the D.P. Act.

The daughter of the informant is said to have been
killed on account of non-fulfillment of demand of dowry by
the petitioner and others.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. In fact,
the petitioner, who happens to be husband of the deceased,
has performed arrange marriage with the deceased and he



never assaulted the deceased nor he demanded any dowry from his wife-deceased in any manner. No specific allegation of any overt act is attributed to the petitioner. There is no eye witness to the alleged occurrence also. As a matter of fact, the deceased has committed suicide and the postmortem report clearly suggest that the cause of death of wife of the petitioner is Asphyxia caused due to hanging. The petitioner is rotting in judicial custody since 24.10.2019.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner happens to be husband of the deceased and he has committed murder of his wife within three years of marriage on account of non-fulfillment of demand of dowry. He further submits that during course of investigation, the witnesses have fully supported the prosecution version. Moreover, the postmortem report clearly suggest that the cause of death is asphyxia caused due to pressure over the neck of the deceased and the body was also found from the house of the petitioner having butterfly needle in the left hand of the deceased. He further refers to the report received from the court below and submits that out of eight witnesses, six including the



informant have been examined in this case and therefore, the trial is likely to be concluded. Hence, the petitioner may not be enlarged on bail.

Considering the facts and circumstances of the case and the rival submission of the parties, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

However, learned trial court is directed to expedite the trial of this case.

(Rajesh Kumar Verma, J)

brajesh/-

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

