

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49347 of 2021**

Arising Out of PS. Case No.-23 Year-2020 Thana- SARMERA District- Nalanda

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Raj Kumar Ram Son of Jugal Ram Resident of Village - Pendi, P.S.- Sarmera,
Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Sujata Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 05-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Sarmera

P.S. Case No. 23 of 2020 registered for the offence under

Sections 304, 304(B) and 34 of the Indian Penal Code.

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

custody since 30.01.2021.

The allegation against the petitioner is to cause death

of his wife due to non-fulfillment of demand of dowry of

Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) and one

buffalo.



Learned counsel appearing on behalf of the petitioner submitted that the informant is not the eye witness of the occurrence and further it is a case of suicide due to family frustration. It has been submitted that petitioner was arrested from the hospital itself, which shows his intention to save the life of deceased/wife. While concluding the argument, it has been submitted that 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 appearing on behalf of the State while opposing the prayer of bail fairly conceded that the post mortem report of the deceased contradict the argument of suicide, as multiple ante mortem injuries were found upon the body of the deceased. It has been submitted that the said incident occurred in the house of the petitioner, as such, presumption is against him.

Considering the facts and circumstances as mentioned above, as multiple ante mortem injuries were found on the body of the deceased, which contradict suicide on its face, coupled with the fact that occurrence took place in the house of the petitioner, who is none but the husband of the deceased, this Court, at present, is not inclined to grant bail to the petitioner.



Accordingly, the prayer of bail of the petitioner is rejected herewith, with liberty to the petitioner to renew his prayer of bail after nine months, if trial is not concluded in the stipulated period of time.

Superintendent of Police, Nalanda is directed to produce the chargesheeted witnesses, as and when required by the Trial Court for expeditious disposal of trial, within time framed as above.

(Chandra Shekhar Jha, J)

Ankit/-

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