

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49691 of 2021**

Arising Out of PS. Case No.-257 Year-2020 Thana- PURNEA SADAR District- Purnia

MD. SALIM S/o Late Islam R/o village- Damaka, P.S.- Sadar, Distt.- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Mallick, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 25-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 304B and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 01.03.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that his sister was married to the petitioner and after marriage the petitioner and accused persons were demanding Rs. 1 lakh by way of dowry and on non-fulfillment of the demand, the victim was killed about which someone informed the informant over mobile.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case merely because he is the husband of the deceased. It is also submitted that the informant is not an-eyewitness to the occurrence and the entire allegation hinges around suspicion and as far as demand of dowry is concerned, the same is ornamental in nature. It is further submitted that the deceased herself committed suicide. The learned counsel for the petitioner very fairly submits that the charges have been framed and the trial has commenced.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that even presuming what has been submitted by the learned counsel for the petitioner is true, then still the deceased died within seven years of her marriage and as such, the presumption, for the present, is against the petitioner as he is the husband. Learned A.P.P. further submits that even if the deceased had committed suicide, then also it was the petitioner who made the conditions conducive for her to take such extreme step of taking away her life. It is also submitted that since the trial has commenced, as such the petitioner does not deserve bail.

Considering the submissions made by the learned



A.P.P. for the State, the Court for the present is not inclined to grant bail to the petitioner. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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