

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54042 of 2021

Arising Out of PS. Case No.-307 Year-2020 Thana- CHHAURADANO District- East
Champaran

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RAM NARESH RAI @ RAMNARESH RAI S/o Shivmangal Rai R/o
Village- Koraiya Purbari Tola, P.S.- Mahuawa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vagisha Pragya Vacaknavi, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-08-2022 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

Chhauradano (Mahuawa) P.S. Case No. 307 of 2020 registered

for the offence under Sections 498(A), 304(B) and 34 of the

Indian Penal Code and Section 3/4 of D.P. Act.

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

custody since 25.11.2020.

That initially allegation against the petitioner as set

out in First Information Report is to cause death of his wife, due

to non-fulfillment of demand of dowry along with his family



members, where, after investigation, charge-sheet has been submitted under Section 302 of IPC.

Learned counsel appearing on behalf of the petitioner submitted that maximum allegations as alleged against this petitioner found false, during the course of investigation, as charge-sheet has been submitted under Section 302 of I.P.C. It is also submitted that own sister of the deceased also married to the brother of the petitioner, living happily and therefore the allegation as regard to demand of dowry, completely appearing false. It is also submitted that death of wife of the petitioner was natural, as she died during the course of her treatment. It is further submitted that no external injuries were found upon the body of the deceased and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that the postmortem report of the deceased suggest that she was subjected to assault soon before her death as two injuries were found upon the hand and chin of the deceased, where the cause of death ascertained as throttling. It is also submitted that admittedly, dead body of deceased/wife found in



the house of the husband, where burden is upon the petitioner/husband to explain the cause of death, what he failed.

In view of the facts and circumstances as mentioned above, as postmortem report stating throttling as cause of death and injuries found upon the dead body of deceased suggest unnatural death, where, dead body found in the house of the petitioner, who is the husband of the deceased, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to conclude the trial, preferably, within a period of 09 (nine) months from the date of receipt of this order, by taking case on board, on day-to-day basis.

The Superintendent of Police, East Champaran, is directed to produce the charge-sheeted witnesses, as and when directed by the trial court, to conclude the trial within stipulated period, as above.

(Chandra Shekhar Jha, J)

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