

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54441 of 2021

Arising Out of PS. Case No.-234 Year-2020 Thana- LADANIA District- Madhubani

RANJAN KUMAR MISHRA Son of Mr. Baijnath Mishra Resident of Village
- Padma, P.S.- Ladaniya, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Advocate.

For the Opposite Party/s : Dr. Ajeet Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ajay Thakur, learned counsel for the petitioner as well as Dr. Ajeet Kumar, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Ladania P. S. Case No. 234 of 2020 registered for the offences punishable under Sections 341, 323, 328, 302, 304(B) read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the marriage of the daughter of the informant was solemnized in the month of January, 2019 and just after the marriage the accused



persons started demanding Rs. 25, 50,000/- and one motorcycle and on account on non-fulfilment the same, the victim was subjected to torture. It is also alleged that the informant even after the marriage of his daughter given Rs. 1,50,000/- on 01.11.2020. The informant has been informed by the accused persons that his daughter has administered poison and she was taken to hospital.

Learned counsel appearing on behalf of the petitioner submitted that from the F.I.R., it is admitted that the information with regard to administering poison by the victim was given to the informant and on the basis of said information, the informant rushed to the hospital where her treatment was going on. It is next submitted that even during the post mortem, no mark of injuries have been found, which shows that she was subjected to any physical torture before the occurrence. It is further submitted that during the course of investigation, it has come that the petitioner had been working in a private firm at Ankaleshwar, Gujarat and just one month before the occurrence, he came to his village for appearance in T.E.T. examination and after staying for some days, he went back to his work place and when he came to know about the illness of his wife, he came back and thereafter, arrested by the police. It is also submitted



that the dead body of the victim was received by the petitioner and thereafter, cremation has been done in presence of the informant and all the family members.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that just after one year of marriage, the victim was done to death by co-accused persons including the petitioner and moreover, during the course of post mortem, certain bruises have also been found over the body of the deceased, which is said to have been caused by hard and blunt substance, though, they are simple in nature. It is next submitted that there is specific allegation of demand of dowry and torture against the petitioner and moreover, the death of the victim has taken place within seven years of marriage in an unnatural circumstances in the house of the petitioner and just before the occurrence, there was demand of dowry.

Having considered the submissions made on behalf of the parties and taking into account the nature of accusation as well as the material available on record, apart from the fact that the petitioner happens to be husband of the deceased, this court is not persuaded to enlarge the petitioner on bail for present.

Accordingly, the present application stands



dismissed.

However, if there would not be any substantive improvement in the case within six months, the petitioner would be at liberty to renew his prayer for bail.

(Harish Kumar, J)

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