

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57579 of 2021

Arising Out of PS. Case No.-106 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

AMIT KUMAR Son of Late Potan Singh Resident of Village - Bharigawana,
P.S.- Bhabua, District - Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-08-2022 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 Bhabhua
P.S. Case No. 106 of 2021 registered for the offence under
Section 304(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.02.2021.

The allegation against the petitioner is to cause death
of his wife, while living in a rented house, due to non-
fulfillment of demand of dowry.

Learned counsel appearing on behalf of the petitioner
submitted that the FIR on its face is suggestive of the fact that



no demand of dowry at any point of time, prior to this occurrence was made by petitioner. It is also submitted that death of wife of petitioner occurred due to accident after falling from stairs. It is also submitted that the petitioner just married, 3 months prior to the present occurrence and having no occasion to involve in this type of heinous offence/crime, as alleged. It is also submitted that the informant is not the eyewitness of the present occurrence. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that postmortem report loudly speaking that how brutally deceased was assaulted prior to her death. It is submitted that injury no.5, which is a bruise in ***“right side of the neck starting from medial end of clavicle extending obliquely upward till upper end of scapula”***, was ante-mortem in nature caused by hard and blunt substance and found grievous and fatal, negating the plea of accident on its face. It is also submitted that at the time of occurrence, admittedly the petitioner/husband of the deceased was only person present inside the room.



In view of the submissions, as made above, as the death of wife of the petitioner, admittedly took place in the presence of petitioner, where postmortem report *prima-facie* denying plea of accident, this Court is not inclined to grant bail to the petitioner, at present.

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

Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within six months from the date of receipt of the order of this Court.

Superintendent of Police, Kaimur at Bhabua, is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

S.Katyayan/-

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

