

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62544 of 2021

Arising Out of PS. Case No.-161 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

Nandan Kumar, Son of Rajendra Prasad @ Rajendra Raut, Resident of
Village- Badi Pahari, Police Station- Laheri, District- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava, Advocate
For the State	:	Md. Matloob Rab, APP
For the Informant	:	Mr. Pramod Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 29-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Laheri P.S. Case No. 161 of 2021 registered for the alleged offences under Sections 304 (B)/ 34 of the Indian Penal Code.

The prosecution case is that the petitioner compelled his wife, the daughter of the informant, to commit suicide, and later on, it was converted into a case of dowry death under Section 304(B) of the Indian Penal Code.



Learned counsel for the petitioner submits that the petitioner, who is husband of the deceased, is innocent and it is apparent from the FIR that the deceased committed suicide, so no case under Section 304 (B) of the Indian Penal Code is made out against the petitioner. The allegations of demand of dowry against the petitioner and co-accused are false and the allegations are omnibus in nature. From the facts of the case, at best the case for abetment of suicide could be made against the petitioner. Even in post-mortem report, no injury except minor one over the chin has been found. The petitioner is in custody since 19.04.2021.

Learned counsel appearing on behalf of the informant submits that the petitioner and the co-accused caused death of the daughter of the informant by forcibly making her consumed poison and the post-mortem report and viscera report support the facts as only injury found on the person of the deceased was abrasion measuring 1" x 1/2" over chin, which shows that the deceased was forced to consume poison. The learned counsel further submits that evidence of prosecution witnesses is being recorded in the trial court and the trial is likely to be concluded soon.

Having regard to the submissions made



hereinabove and considering the fact that petitioner is the husband and his wife died due to poisoning in his house within a year of her marriage, I am not inclined to enlarge the petitioner on bail.

Accordingly, his prayer for bail is rejected.

However, if trial is not concluded within six months, the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

V.K.Pandey/-

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