

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63308 of 2021

Arising Out of PS. Case No.-182 Year-2020 Thana- SARAIYA District- Muzaffarpur

CHHOTU KUMAR Son of Chandeshwar Mahto Resident of Village -
Basantpur patti, P.s.- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 304B of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per the prosecution case, the daughter of the informant who was married to Chhotu Kumar (the petitioner) was tortured by the accused persons including the petitioner herein and ultimately done to death for non-fulfillment of the demand of dowry by way of a gold chain.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There is delay in lodging of the FIR and sending the same to the Court. The deceased committed suicide by hanging. The differences



between the parties have been settled and they have entered into a compromise. The petitioner is in custody since 15.3.2021 and has no criminal antecedent. It is lastly submitted that the trial has proceeded and only official witnesses remain to be examined.

Heard learned APP for the State.

Having heard learned counsel for the parties and on perusal of the postmortem report, the cause of death is said to be asphyxia caused by antemortem throttling. Further, from the report with respect to the stage of the trial, it transpires that four out of the seven charge sheet witnesses have been examined and only three witnesses including the doctor and the Investigating Officer remain to be examined.

In the facts of the case, taking into account the allegation against the petitioner together with the progress in the trial in the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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