

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63835 of 2021**

Arising Out of PS. Case No.-92 Year-2021 Thana- MANJHAGARH District- Gopalganj

NOOR ALAM @ NOOR ALAM ANSARI Son of Hasnain Ansari R/o village
- Dumariya Mahua Tola, P.S. - Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Mr. Ranjeet Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar, APP
For the Informant	:	Mr. Mukesh Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 23-08-2022 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 Manjhagarh P.S. Case No. 92 of 2021 registered for the alleged offences under Sections 498A, 304B/34 of the Indian Penal Code.

As per prosecution case, the informant alleged that the petitioner and other co-accused persons strangled her sister on account of their dowry demand of Rs. 20 lacs. Further, the prosecution case is that the deceased was earlier married with



the elder brother of this petitioner and after his death, her marriage was solemnized with this petitioner and she received Rs. 20 lacs from the company of his earlier deceased husband.

Learned senior counsel appearing on behalf of the petitioner submits that the allegation made in the FIR are false and fabricated. The petitioner is second husband as is clear from the FIR and there is no specific allegation against him. After the death of her first husband, the deceased went into depression and later on committed suicide even though her marriage was solemnized with the younger brother of her earlier husband. The parents of the deceased were knowing about her depression and also her treatment and they did not lodge any FIR. The married sister of the deceased with some ulterior motive filed the present case. Learned senior counsel further submits that during investigation, the independent witnesses examined by the police stated about the condition of the deceased that she was depressed and committed suicide. The post-mortem report also support this fact. Charge sheet has been submitted in this case and the petitioner is in custody since 16.04.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is husband of the deceased and on account of their demand of dowry, the



petitioner and other co-accused persons killed the deceased. Learned APP further submits that post-mortem report shows that the death has been caused due to asphyxia and shock due to strangulation and it clearly shows that it is not a case of suicide rather the deceased was strangled. As the death took place within seven years of marriage, it was the responsibility of the petitioner to explain her death.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the fact that the petitioner was the husband of the deceased who died within seven years of her marriage and post-mortem report shows strangulation and for this reason considering the serious nature of allegation against this petitioner, I do not think it is a fit case for grant of bail to the petitioner. Hence, the prayer for grant of bail is rejected.

The learned trial court is directed to expedite the trial and conclude the same within nine months.

(Arun Kumar Jha, J)

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