

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56744 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- PHULPARAS District- Madhubani

Amar Kamat @ Amar Kumar Son of Rajendra Kamat, Resident of village-
Dharamdiha, P.S- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 24-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Phulparas P.S. Case No. 146 of 2022 (corresponding to G.R. No.
506 of 2022), lodged under Section 304(B) & 34 of the Indian
Penal Code but charge sheet has been filed under Section 306 of
I.P.C.

As per prosecution case, the informant has disclosed
that marriage of his daughter was solemnized with the petitioner
according to Hindu custom. The demand of Rs.5 lacs as dowry
was there and due to non-fulfillment of said demand the
petitioner alongwith others killed the daughter of informant on

26.03.2022 by hanging her and tried to dispose of her body.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence, he is in custody since 01.04.2022. He further submits that charge sheet has been filed in this case under Section 306 of I.P.C. but Trial Court has taken cognizance under Section 304(B) of I.P.C. He also submits that upon reading of F.I.R. it is very much clear that marriage was solemnized prior to 7 years, as such Section 304(B) of I.P.C. is not attracted in this case.

Learned counsel for the State opposes the prayer for bail and submits that F.I.R. has been lodged under Section 304(B) of I.P.C. and Court has also taken cognizance under Section 304(B) of I.P.C.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail application is hereby rejected.

Learned Trial Court is directed to expedite the trial withing a year.

(Dr. Anshuman, J.)

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