

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15126 of 2023

Arising Out of PS. Case No.-186 Year-2022 Thana- BAGHA District- West Champaran

Munna Prasad Son Of Madan Prasad R/O Village- Khoda Parsa, P.S.- Bagaha,
District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case though registered under Sections-304(B), 201, 120(B)/34 of the Indian Penal Code but charge sheet has been submitted under Sections-302, 201, 120(B)/34 of the Indian Penal Code.

Allegation against the accused persons including the petitioner is of committing torture and causing death of the victim due to non-fulfillment of demand of dowry.

It has been submitted that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 20-03-2022. The petitioner has remained in custody for one year and one month. Charge sheet has already been submitted in this case. General and omnibus allegation has been made against the petitioner. No



specific overt act is alleged against the petitioner. Merely on the basis of suspicion, the petitioner has been made accused in the present case as he happens to be husband of the deceased. Hence he has been made accused in the present case. On the alleged date of occurrence, the petitioner was not present at the place of occurrence.

On behalf of the State, it is submitted that the petitioner is named in the FIR. The case was instituted for an offence under Section-304(B) & other allied sections of the Indian Penal Code but after investigation, the case was found true under Section-302 & other allied sections of the IPC. The petitioner is husband of the deceased. The onus is upon the petitioner to explain the cause of death of his wife (deceased).

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner in connection with Sessions Trial No. 904 of 2022, C.I.S. No. 297 of 2022 arising out of Bagaha P.S. Case No. 186 of 2022 is rejected at this stage.

The trial court is directed to take all necessary steps to expedite the trial and conclude the same at the earliest.

(Sudhir Singh, J)

A.K.V.//-

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

