

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25352 of 2023

Arising Out of PS. Case No.-224 Year-2021 Thana- MASAUDHI District- Patna

MANISH KUMAR GUPTA @ MANISH KUMAR SON OF SIDHESHWAR
PRASAD RESIDENT OF VILLAGE - GANGACHAK MALIKANA, P.S.-
MASAURHI, DIST. - PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Masaurhi P.S. Case No. 224 of 2021 registered for the offence
under Sections 304(B) of the Indian Penal Code.

The daughter of the informant is subjected to
assault and torture on account of non-fulfillment of demand
of dowry by the petitioner and others and she has finally
been done to death for want of dowry.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the allegation, as alleged in the F.I.R., is



false and fabricated and the petitioner has not committed any offence. He further submits that the deceased, who said to be mentally disabled, herself committed suicide after having some altercation with her husband. He further submits that petitioner happens to be husband of the deceased and he has never demanded any dowry nor assaulted the deceased in any manner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 19.10.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner happens to be husband of the deceased and there is direct and specific allegation that he has assaulted the deceased for want dowry before her death. He further submits that the postmortem report also suggest that multiple bruise and ante-mortem injuries were found on the body of the deceased and the cause of the death of the deceased is opined to be asphyxia due to throttling (manual strangulation). Several witnesses have supported by the witnesses in paragraph Nos. 6, 7, 8 and 9 of the case diary.



Considering the facts and circumstances of the case and the rival submission of the parties and also the manner of occurrence, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

brajesh/-

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

