

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35126 of 2022

Arising Out of PS. Case No.-144 Year-2020 Thana- JOGBANI District- Araria

Md. Hastam Son Of Md. Tasmul Resident Of - Amauna, Ward No.-07, P.S.-
Jogbani, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 16-03-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Jogbani P.S. Case No. 144 of 2020 registered for the offences
punishable under Sections 304(B) and 201/34 of the Indian
Penal Code.

As per the prosecution, the informant alleged that this
petitioner along with other co-accused persons murdered his
daughter on account of non-fulfillment of dowry demand and
cremated the dead body of the victim in a graveyard with a view
to screen the evidence. It is further alleged that the petitioner
and other co-accused persons continuously tortured and
harassed the victim for the demand of dowry.

The main submissions advanced by petitioner's



counsel are that in between the petitioner and the victim, there was love affair, which resulted in their marriage and thereafter the victim started residing with this petitioner while her parents were residing in *Ludhiana* and on the mobile phone, her parents themselves always harassed and mentally tortured her and in the whole FIR there is no allegation that the petitioner made any demand of money from the victim's parents while on the other hand, it is mentioned in the FIR that after the death of the petitioner's wife, the father of the victim demanded Rs. 2,50,000/- from the petitioner and the FIR was lodged under Section 304(B) and 201/34 of the Indian Penal Code but the dead body was recovered and *post-mortem* was done. Further submission is that chargesheet has been submitted against the petitioner and the petitioner has been languishing in jail since 03.07.2021 and the offence of 304(B) of I.P.C. is not made out in this case.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary of this case.

Admittedly, the petitioner's wife died an unnatural death and after the death of the deceased, the petitioner and his



family members cremated the body of the deceased in a graveyard without giving any information to the police and as per the FIR, there was no good relation in between the petitioner and the victim and the petitioner always physically tortured the victim. Considering the seriousness of the occurrence as well as the allegations appearing against the petitioner, in my opinion it is not a fit case for bail to the petitioner. Accordingly, his prayer for bail stands rejected.

(Shailendra Singh, J)

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