

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39092 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- BIHTA District- Patna

LUXMAN SAO S/o- LATE RAJU SAO R/v- Deokuli Bind Toli, Bintoli Ps-
Bihta Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Sessions Trial No. 1437 of 2022, arising out of Bihta P.S. Case
No. 65 of 2022 registered for the offence under Sections 304B,
302, 34 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 18.08.2022.

5. The allegation against the petitioner is to cause
death of daughter of informant alongwith other co-accused
persons/family members due to non-fulfillment of demand of
dowry, as raised for cash of Rs. 1 lacs, golden chain, motorcycle



etc.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely with present case only being husband of the deceased. It is submitted that this is the case of suicide as abrasion appears over the neck of the deceased. It is further pointed out that the informant is not the eye-witness and entire implication is based upon the hearsay input. It is further submitted that other co-accused persons, who are parents of this petitioner granted anticipatory bail by this Court having similar allegation. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, while opposing the prayer of bail submitted that alleged death occurs inside the house of this petitioner, who is the husband, where cause of death is **“Asphyxia due to throttling”** as per postmortem report. It is submitted that the abrasion injury also noticed on forearm of the deceased suggesting that she was also assaulted physically soon before the occurrence and the same speaks in favour of unnatural death.



8. Considering the facts and circumstances as mentioned above and by taking note of fact as the death of wife of this petitioner appears unnatural, where cause of death is Asphyxia due to throttling in the background of allegation of demand of dowry, accordingly, the prayer of bail of petitioner is rejected herewith for the present.

9. The learned Trial Court is directed to conclude the trial preferably within a period of nine months from the date of receipt of copy of this order.

(Chandra Shekhar Jha, J)

veena/-

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

