

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45667 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

VIVEK PRASAD @ VIVEK KUMAR SON OF CHATURI PANDIT R/O
VILLAGE- MADHUBANI GHAT, P.S.- MUFFASIL, DISTRICT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh
For the Opposite Party/s	:	Mr.J.N. Thakur
For the Informant	:	Mr.Bijendra Kumar

=====

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 12-04-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the petitioner as well as

learned APP for the State.

In this case, the petitioner is seeking regular bail in

connection with Muffasil P.S. Case No. 89 of 2022, S. Tr. No.

675 of 2022, registered for the offences punishable under

Sections 304B, 313, 201, 34 of the IPC.

As per allegation, the marriage of the deceased

Priyanka Kumari was solemnized with the petitioner in the year

2020. The customary presents were given at the occasion of



marriage. The informant has also made payment of Rs. 2 lacs in the bank account of brother of the petitioner, but the accused persons were not satisfied and they were making pressure of demand of Rs. 5 lacs as dowry. The informant expressed his inability to pay the demand. The accused persons forcibly got her pregnancy aborted. On 05.02.2022, at about 11.30 p.m., the accused persons, after tying her hands and legs, throttled her to death.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He is under custody since 07.02.2020. The trial is going on and one witness has been examined.

On the other hand, the learned APP and the learned counsel for the informant have opposed the prayer for bail and submitted that the petitioner is husband and there is specific allegation against him that he, along with other accused persons throttled the deceased to death. The ligature mark was found in the post-mortem report around her neck and the same was also found in inquest report. Some marks were also found on her hands and legs.

The deceased was done to death, only within two years of her marriage. The post-mortem report as well as the



inquest report corroborates the injury, as alleged in the FIR.

In my view, the petitioner does not deserve the privileges of bail, which is hereby rejected.

The prosecution is directed to cooperate with expeditious disposal of the case.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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

