

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63193 of 2023

Arising Out of PS. Case No.-41 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

VIVEK KUMAR @ VIVEK KUMAR SAH SON OF DILIP SAH R/O VILL
HAFLAGANJ, PS- MUFFASIL, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 10-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for regular bail in connection with S.T. no.277 of 2021 (arising out of Muffasil P.S. Case no.41 of 2021) registered under sections 304B and 34 of the Indian Penal Code.

3. The earlier prayer for bail of the petitioner who happens to be the husband of the deceased was rejected vide order dated 12.1.2023 (Annexure-1) passed in Cr. Misc. no.23563 of 2022.

4. As per the prosecution case, the daughter of the informant who was married to the petitioner herein was tortured for non-fulfillment of demand of dowry and ultimately done to death. The cause of death being asphyxia due to strangulation.

5. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. In spite of his being in custody since 6.3.2021, having no criminal antecedent and cooperating in the trial, there is no chance of the same concluding in the near future. Further referring to the deposition of the doctor (P.W.1) at Annexure-3 to the petition, it is submitted that no other injury was found on the body of the deceased besides the ligature/bruise on the neck. The petitioner is in custody since 6.3.2021 and undertakes to cooperate in the trial.

6. Heard learned A.P.P. for the State.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the contents of the post-mortem report reaffirmed by the doctor in his examination as P.W.1 in course of trial, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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