

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74905 of 2022

Arising Out of PS. Case No.-748 Year-2022 Thana- PHULWARISHARIF District- Patna

Suchit Kumar @ Suchit Rai @ Suchit Ray Son Of Sri Pinku Ji @ Pandit Ji
R/O Phulia Tola, P.S.- Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan Prasad No. 1, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 22.07.2022 in connection with Phulwari Sharif P.S. Case No. 748 of 2022, F.I.R. dated 29.06.2022 registered for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he alongwith other co-accused persons have in furtherance of their common intention committed the dowry death of the daughter of the informant.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not



committed any offence as alleged in the FIR and the marriage was solemnized with the deceased nine years ago and in view of the period of marriage, Section 304 B of IPC is not applicable against the petitioner and from bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner.

5. Vide order dated 26.06.2023, a report was called for with regard to the stage of the trial. Report of the learned Trial Court dated 07.07.2023 reveals that the charge has been framed against the petitioner on 17.03.2023 and the prosecution has not examined any witness as yet.

6. Learned counsel for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is husband of the deceased and the postmortem report suggests that the cause of death of the victim is asphyxia and dangerous condition as a result of strangulation and during investigation, number of witnesses have supported the case of the prosecution.

7. In view of the aforesaid, I am not inclined to enlarge the petitioner on bail in connection with Phulwari



Sharif P.S. Case No. 748 of 2022 pending in the court of learned
Additional Chief Judicial Magistrate-XIV, Patna.

8. Prayer is refused.

9. However, the learned Trial Court is directed to
expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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