

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16535 of 2024**

Arising Out of PS. Case No.-273 Year-2022 Thana- DESARI District- Vaishali

Rahul Kumar S/o Adalat Paswan R/o vill - Chakyaj, P.s. - Desari, Distt. -
Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Bijay Bhushan Prasad, Advocate
For the Opposite Party : Mr.Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

6 23-08-2024 Heard learned counsel appearing on behalf of the

petitioner and Mr. Shyameshwar Dayal, learned A.P.P. for

the State.

2. Petitioner seeks bail in connection with Desari

(Sahdai O.P.) P.S. Case No. 273 of 2022 registered for the

offences under Sections 304(B) and 34 of the Indian Penal

Code.

3. The petitioner is named in the First Information

Report and is in custody since 27.09.2023.

4. Allegation against the petitioner is to cause

death of daughter of the informant alongwith other family

members due to non-fulfillment of demand of dowry, as

raised for cash of Rs. 5 Lakhs and also golden and silver

jewelry.



5. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner implicated falsely for only reason that he is the husband of the deceased. It is submitted that this unfortunate incident took place just after one and half months of marriage of the petitioner with deceased. It is pointed out that it is not a case where dead body was recovered from the house of the petitioner so as he is under obligation to answer in terms of section 106 of the Indian Evidence Act, rather the dead body of his wife was found outside the house of the petitioner, near to a pond, which is an isolated place accessible by general public. While concluding argument, it is submitted that investigation of this case is completed and, as such, there is no chance of tampering with the evidence.

6. Learned A.P.P. for the State, while opposing the prayer of regular bail of the petitioner, submitted that petitioner thrown the dead body of his wife to a nearby pond. It is submitted that post-mortem itself evident of the fact that how brutally the deceased was assaulted before committing murder. It is submitted that post-mortem report



is also suggesting that death was caused due to physical assault.

7. A report was also called for from the learned trial court regarding expected time period to conclude the trial, where a report was made available to this Court through Letter No. 62/24 dated 31.07.2024 of learned trial court, that trial of this case may conclude within one year, if both parties cooperate.

8. In view of the aforesaid facts and circumstances, where petitioner is the husband of the deceased and as post-mortem report of the deceased showing that her death was caused due to physical assault, where occurrence took place just within two months of her marriage, prayer of bail of the petitioner is rejected herewith for the present.

9. If the trial of the case is not concluded in terms of aforesaid report within one year, petitioner shall be at liberty to renew his prayer of bail.

(Chandra Shekhar Jha, J.)

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