

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20359 of 2024

Arising Out of PS. Case No.-791 Year-2023 Thana- FATUA District- Patna

Ashutosh Rathor @ Guddu @ Ashutosh Kumar Son of Late Bashisth Prasad
R/o Joep Gaun, P.S.- Shahjahanpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kanchan Kumari, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-05-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Fatuha
P.S. Case No. 791 of 2023 instituted for the offence under
Sections 304B & 34 of the Indian Penal Code.

3. Prosecution case in short is that daughter of the
informant was done to death at her matrimonial house due non
fulfillment of the demand of dowry.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 23-10-2023. Petitioner is a
man of clean antecedent.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. Petitioner is the husband of the victim. It is submitted by learned counsel for the petitioner that there is no specific allegation against the petitioner. It is further submitted that petitioner is a man of means and there is no chance of petitioner absconding or tampering with the evidence, if bail is granted. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 4 of the case diary, it is submitted that in restatement of the informant, he has supported the prosecution case. Other prosecution witnesses have also supported the prosecution case, which fact finds mention in paragraph Nos. 10, 11 of the case diary. Independent witnesses have also supported the prosecution case, which is apparent from bare perusal of paragraph No. 33 of the case diary. It is next submitted by referring to the postmortem report that cause of death is 'asphyxia caused due to hanging'.

7. Considering the aforesaid facts and circumstances of the case, petitioner being the husband and nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.



8. Accordingly, the prayer for grant of bail to the petitioner is rejected.

9. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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