

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20679 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- SURSAND District- Sitamarhi

Chandan Kumar son of Jitan Rai Village- amana Ps- Sursand Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar, Advocate
For the Opposite Party/s	:	Mrs. Renu Kumari, APP
For the Informant	:	Mr. Virendra Kumar, Advocate

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

ORAL ORDER

4 20-07-2024 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with Sursand
P.S. Case No. 114 of 2023 instituted for the offences under
Sections 304B/34 of the Indian Penal Code.

3. Prosecution case, in short, is that the petitioner
alongwith the family members tortured and killed the deceased
by pressing her neck for the non-fulfillment of demand of
dowry.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is the husband of the deceased. Learned counsel for



the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that petitioner is innocent and has not committed any offence as alleged in the FIR. Learned counsel further submitted that deceased was a short tempered lady and due to which on the date of occurrence she had petty dispute with her husband over mobile phone and, consequently she (deceased) committed suicide. Learned counsel further submitted that as a matter of fact, petitioner was not present at the place of occurrence. Learned counsel further submitted that as per medical report also, no any external injury was found on the body of the deceased except the ligature mark on her neck. Learned counsel further contended that there is a delay of three days in lodging the FIR and the informant has falsely implicated the petitioner due to ulterior motives. Charge-sheet has been submitted in this case under Section 304B/34 of the Indian Penal Code. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.01.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State further referring



to case diary submitted that several witnesses have supported the prosecution version that petitioner along with his family members demanded dowry to the tune of rupees five lakhs. Learned counsel further submitted that as per post-mortem report, the cause of death of deceased is asphyxia due to hanging.

6. Having considered the rival submissions of both the parties and the material available on record, this Court is not inclined to grant bail to the petitioner taking into account the nature and gravity of offence and active involvement of the petitioner in the alleged offence.

7. Accordingly, the prayer is rejected. Trial Court is directed to expedite the trial and conclude the same preferably within a period of one year.

8. However, liberty is granted to the petitioner to renew his prayer for bail if the trial is not concluded within a period of one year from the date of receipt/production of this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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