

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23929 of 2024**

Arising Out of PS. Case No.-156 Year-2023 Thana- PIRPAINTI District- Bhagalpur

Md. Najam Son of Md. Khalil Resident of Village- Pirpainti Bazar, Ps-
Pirpainti, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar No.6, Advocate
For the Opposite Party/s : Mr.Anish Chandra, APP

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

ORAL ORDER

6 20-07-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Pirpainti P.S. case No. 156 of 2023 instituted for the offences
under Sections 304(B), 328, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that petitioner and his
family members have killed the daughter of the informant for
the non-fulfillment of demand of dowry.

4. It has been submitted on behalf of the petitioner that
the petitioner is in custody since 15.05.2023 and has no



criminal antecedent. Learned counsel further submitted that petitioner is the husband of the deceased. Learned counsel for the petitioner 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 used to become violent on petty disputes. Learned counsel further submitted that as a matter of fact, on the alleged date of occurrence, she (deceased) herself consumed poison in a sudden hit of passion and when the petitioner came to know about this fact, he took her to hospital and informed her family members. Learned counsel further submitted that the aforesaid fact has also been submitted by independent witnesses during course of investigation. Learned counsel further submitted that no specific over act is levelled against this petitioner rather general and omnibus allegation is attributed to this petitioner. Learned counsel further submitted that petitioner never demanded any dowry nor tortured her. Learned counsel further submitted that as per post-mortem report of the deceased, the cause of death is reserved till FSL report, but doctor has opined the cause of death to be suspected poisoning. Learned counsel further submitted that no any external injury was found on the body of the deceased which falsifies the case of the prosecution.



The co-accused person has already been granted bail by this Court order dated 12.02.2024 passed in Cr. Misc. No. 6016 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel referring to paragraph nos. 5, 22, 23, 24 of the case diary submitted that several witnesses have supported the case of the prosecution. Learned counsel further submitted that post-mortem report also supports the case of prosecution. Learned counsel further submitted that there is ample material to show the active involvement of the petitioner in the alleged occurrence, and therefore, petitioner does not deserve the privilege of bail.

6. Pursuant to order dated 28.06.2024, learned trial Court has sent latest report regarding the present stage of the trial. In the said report, learned trial Court has reported that the case is at the stage of evidence. It is further reported that out of six witnesses, four witnesses have been examined on behalf of the prosecution.

7. Having considered the rival submissions of both the parties and the material available on record and taking into account the stage of the trial, this Court is not inclined to grant



bail to the petitioner.

8. Accordingly, the prayer is rejected. Learned trial
Court is directed to conclude the trial expeditiously.

(Rudra Prakash Mishra, J)

Alok Verma/-

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