

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40201 of 2024

Arising Out of PS. Case No.-165 Year-2020 Thana- MANER District- Patna

Taneshwar Kumar @ Taneshwar Singh @ Jatta Singh, Son of Anil Singh R/O
Vill.- Ratan Tola, P.S.- Maner, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 4 20-09-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.
2. The petitioner seeks bail in connection with Maner P.S. Case No. 165 of 2020 registered for the offence under Section 304(B)/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.
3. The accused/petitioner is named in the F.I.R. and is in custody since 24.05.2023.
4. The allegation against the petitioner is to cause death of daughter of the informant alongwith other co-accused persons/family members due to non-



fulfillment of demand of dowry, as raised for T.V. and cash.

5. Learned Counsel appearing on behalf of the petitioner submitted that the demand of dowry *qua* petitioner is very much general and omnibus and petitioner was implicated with present case only for the reason that he is the husband of the deceased. It is submitted that no independent witnesses during the course of investigation was examined. It is also submitted that from the perusal of FIR, it is apparent that the demand of dowry was not raised soon before the death of the daughter of the informant and she also not assaulted or any cruelty was committed upon her for non-fulfillment of alleged dowry demand and, therefore, the prime legal ingredients of Section 304B *prima facie* not appears convincing, as to implicate this petitioner. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no



chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that the daughter of the informant died in the house of petitioner, where upon her autopsy, cause of death was ascertained as strangulation. It is submitted that the neighbour of petitioner also supported the occurrence, which is available in para-38 of the case diary. It is also submitted that the occurrence took place within seven years of marriage, where demand of dowry also specifically raised through FIR itself and, therefore, the submission having no substance as the occurrence is not fulfilling the legal ingredients of offence alleged to be committed under Section 304B of the Indian Penal Code.

7. Considering the facts and circumstances as mentioned above and by taking note of fact as the daughter of informant died in the house of the petitioner, where death appears unnatural, out of strangulation within seven years of marriage in the



background of demand of dowry, accordingly, the prayer of bail of petitioner above named is rejected herewith for the present.

8. However, by taking note of custody period, the learned Trial Court is directed to conclude the trial preferably within a period of nine months from the date of receipt of copy of this order.

(Chandra Shekhar Jha, J)

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