

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44933 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- RAFIGANJ District- Aurangabad

Munna Singh @ Pankaj Singh @ Pankaj Kumar S/O Grijesh Singh R/O
Village- Khadwa, P.S- Rafiganj, Distt.- Aurangabad (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Singh, Sr. Adv. with Mr. Aman Vishal, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 30-08-2024 Heard learned senior counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Rafiganj PS Case No.42 of 2023 dated 30.01.2023, instituted for
the offence punishable under Sections 302, 304B and 34 of the
Indian Penal Code.

3. The prosecution story in brief is that marriage of
the sister of the informant was solemnized with the petitioner
in the year 2020 and due to non- fulfillment of dowry demand,
especially for non-payment of rest installment amount of EMI
for the bullet motorcycle bearing Registration No. BR 26T-3829
which was given as gift in marriage, the same was seized by the
Financer and the sister of the informant was strangled by the



petitioner on 30-01-2023 in the matrimonial home. Thereafter, the informant lodged an FIR against the petitioner and other accused persons.

4. Learned senior counsel for the petitioner submits that petitioner has been falsely implicated in this case. The petitioner has not committed acts as alleged in the FIR. The informant is not an eye witness to the alleged occurrence. The informant has falsely implicated the petitioner and his family members only on the basis of suspicion on instigation by co-villages, who are on inimical terms with the family of the petitioner. Further, the other co-accused has been granted regular bail by this Court *vide* order dated 24-05-2023 passed in Cr. Misc. No. 26893 of 2023. The petitioner is languishing in custody since 31-01-2023. Lastly, it has been submitted that one criminal case is pending against the petitioner.

5. Learned APP has opposed the prayer for bail and submits that the petitioner, who is husband of the victim, cannot escape from his liability. He owes prime responsibility towards safety and dignity of his wife.

6. Case diary along with present stage of trial was called for which has been received from the Court of learned Additional District and Sessions, VIII, Aurangabad. From the



report of the Trial Court, it appears that out of six prosecution witnesses, three witnesses have been examined and remaining three witnesses have yet to be examined and the case is pending for evidence. The report of the trial Court is dated 30-07-2024.

7. From bare perusal of the postmortem report, it would appear that doctor has found following external injury on the body of the deceased:-

(1) Rigor mortis present in all four limb.

(2) Light ligature mark around neck except in posteriol.

3) Froth coming out from nose.

(4) Lips light bluish

(5) Abrasion on sternum region size- 1cm x 1cm

(5) Feet downward.

(6)Vaginal discharge.

8. In the postmortem report, the doctor reserved the opinion with regard to the cause of death. The part of trachea with hyoid bone & skin were preserved for investigation. The doctor, who has conducted the postmortem, has not been examined till date. The postmortem report corroborates the allegation against the petitioner.

9. In such view of the matter, I am not inclined to



grant bail to the petitioner for the present.

10. Accordingly, prayer of the petitioner for grant of bail is rejected at this stage.

11 The application stands dismissed.

12. However, the trial Court is directed to take all endeavour and conclude the trial positively within a period of nine months from the date of receipt/production of a copy of this order.

(Khatim Reza, J)

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