

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44626 of 2024

Arising Out of PS. Case No.-369 Year-2023 Thana- AHİYAPUR District- Muzaffarpur

Chandan Kumar S/o Laxman Mahto @ Lachuman Mahto R/o vill - Bishunpur
Gangti, P.S. - Ahiyarpur, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Roy Raman, Adv.

Ms. Soni Kumari, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 369 of 2023 instituted for the offences
under Sections 304(B)/34 of the Indian Penal Code and Sections
3/4 of the D.P. Act.

3. As per prosecution case, the accusation has been
made against the petitioner of committing murder of the
Informant's sister by strangulation due to non-fulfillment of
dowry demand. It is alleged that since the time of marriage, the
petitioner was demanding a motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. The petitioner is the husband of the deceased. Learned counsel for the petitioner submits that on the date of occurrence, the deceased was pressurizing the petitioner for android mobile and when the petitioner did not oblige her, some altercation took place between them and, thereafter, the deceased committed suicide in her room. There is no any eye-witness to the alleged offence. The petitioner has no criminal antecedent and is languishing in judicial custody since 09.03.2024 without any rhymes or reason. The Investigating Officer after completion of investigation has submitted charge-sheet against the petitioner under Section 304(B) of the I.P.C.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail. He further submits that from the F.I.R. itself, it appears that the death has occurred within seven years of her marriage in her matrimonial home and since the time of marriage, the petitioner was demanding a motorcycle.

6. This Court finds that death has occurred within seven years of her marriage in her matrimonial home and since



the time of marriage, the petitioner was demanding a motorcycle. The inquest report suggests strangulation as cause of death and the postmortem report also shows the presence of ligature mark in the neck. The Doctor has also found the ligature mark to be antemortem in nature caused by ligature material and death has occurred due to asphyxia as a result of antemortem hanging.

7. Having heard rival contention of both the parties and considering the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

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