

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67946 of 2024

Arising Out of PS. Case No.-409 Year-2024 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Abhitesh Kumar Son of Late Ram Kishun Thakur Village- Jagarnath Patahi,
Ward no. 2, Ps- Muzaffarpur sadar, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Awnish Kumar, Adv.
For the informant	:	Ms. Ankita Kumari, Adv.
		Mr. Aditya Prakash Sahay, Adv.
For the Opposite Party/s :		Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 13-12-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Muzaffarpur Sadar P.S. Case No. 409 of 2024 dated 27.06.2024 registered for the offences punishable u/ss 304B read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have committed murder of the informant's daughter due to non-fulfillment of demand of four wheeler as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this



case. The occurrence took place on 26.06.2024 whereas the F.I.R. was lodged on 28.06.2024 and there is no explanation for this delay. It is further submitted that the petitioner is the husband of the deceased and he has no concern with the alleged offence. The petitioner is neither demanded any dowry nor assaulted the informant's daughter. Learned counsel has further submitted that the deceased was suffering from typhoid fever since long and she was continuously under the treatment of a doctor and she died due to such illness/ disease from which she was suffering. The petitioner is seriously ill and is continuously under observation and medication of a doctor inside the jail as he has been tested HIV positive this fact is also supported by patient Booklet No. 40010339 and ICTC PID No. 0122401721 dated 01.07.2024 as stated in para 5 of the supplementary affidavit filed on behalf of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 28.06.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner and submitted that the petitioner is the husband of the deceased and the specific allegation against the petitioner is that he along with the co-accused persons tortured the informant's daughter and committed her murder. Learned counsel has further submitted that it is evident from the paragraph 66 of the case diary



that Dr. Suresh Kumar Sharma has stated that the deceased had visited in his clinic for her treatment on 26.04.2024 and she was suffering from cold for two months. The doctor has also stated in his statement that the deceased did not visit his clinic again for her treatment. As per the P.M. report, the deceased died due to lung and liver disease.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner above-named on bail.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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