

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74240 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- SAKATPUR District- Darbhanga

SHRAWAN DHANKAR SON OF DAHOR DHANKAR @ DAHORWA
DHANKAR @ DOHARWA DHANKAR R/O VILLAGE- SAKATPUR, P.S.-
SAKATPUR, DISTRICT- DARBHANGA Petitioner/s

Versus

THE STATE OF BIHAR BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP
For the Informant : Mr. Anshu Dhar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 10-05-2024 Heard the parties.

2. The petitioner is in custody in connection with Sakatpur P.S. Case No. 19 of 2023 for the offence punishable under sections 304(B) and 34 of the Indian Penal Code lodged on 17.02.2023 by the informant, Dilip Dhankar.

3. As per the prosecution story, the marriage of the victim lady took place with the petitioner but was tortured for dowry and on the fateful day, the parents were informed about the illness of the victim lady and later, another information came that she is dead. Considering her killing by the petitioner and her in-laws, the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that he immediately informed the parents about the illness and also the death and waited for them so that the cremation take place in their presence. As such, it cannot be said that they have any role to play in the killing.



5. The further submission is that in similar placed case where the trial was going on but there was delay, the Hon'ble Apex Court in Sajid Khan vs. State of Rajasthan & Anr in Special Leave to Appeal (Crl.) No. 2290 of 2023 directed the said petitioner to be released without expressing any opinion on the merit.

6. Learned counsel for the informant, on the other hand, submits that here is the case where FSL report is on record and the pesticides (Thimat) was found in the viscera report. He submits that the admitted fact is that the lady was poisoned and the role of the accused persons cannot be overlooked as it is not the case of the petitioner that the police was informed at any point of time. The further submission is that all the other witnesses have already been examined and only the Doctor and the I.O. are to be examined. He as such opposes the prayer.

7. Taking into account the aforesaid facts as also the seriousness of the case where a lady lost her life, the case of the petitioner that she committed suicide, in that case, the natural recourse was to immediately inform the police, having failed to do so, the needle of suspicion will go towards him, he being the husband.

8. The trial is going on, the vital witnesses examined



and only the Doctor and the I.O. are to be examined. In that backdrop, at this advance stage of trial, it would not be appropriate to release him on bail. The order of the Hon'ble Apex Court cannot be made applicable in the present case inasmuch as a pertinent point has been raised by the learned counsel for the informant that despite the fact that she died due to the consummation of poison, the police was not informed.

9. In that background, the bail application stands rejected with a direction to the trial court to take all proper steps for conclusion of trial within a period of six months from today taking into account the submission of learned counsel for the informant that only the Doctor and the I.O are to be examined.

10. The Senior Superintendent of Police, Darbhanga shall ensure that both the Doctor and the I.O. are present before the trial court in connection with Sakatpur P.S. Case No. 19 of 2023 pending in the Court of learned Judicial Magistrate-1st Class, Darbhanga.

11. Let a copy of the order be sent to the S.S.P., Darbhanga for his perusal and necessary action.

(Rajiv Roy, J)

kiran/-

U		T	
---	--	---	--

