

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77005 of 2023

Arising Out of PS. Case No.-343 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Rahul Prasad Gupta @ Udit Kumar Son Of Shri Pawan Prasad Gupta @
Pawan Kumar Resident Of Village - Purab Bazar Rice Mill, Ward No. - 31,
Near Dr. Rakesh Kumar, P.S. And District – Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 08-02-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 302,
304B, 34 of the Indian Penal Code.

As per FIR, the allegation against the petitioner and
co-accused persons is that they committed murder of the
informant's daughter due to non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The



petitioner is husband of the deceased and due to family dispute he has falsely been implicated in this case. As per Postmortem Report, no any external injuries were found on the body of the deceased. The informant is not an eye witness of the alleged occurrence. It is further submitted that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 08.06.2023.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is husband of the decease and he has full responsibility to keep his wife with proper honour and dignity, but due to family dispute he committed murder of his own wife in exceptional circumstances within seven years of their marriage. As per FSL Report, Zinc Phosphide (severe gastrointestinal irritant) was detected in the body of the deceased.

Having heard the learned counsel for the parties and considering the facts and circumstances and gravity of this case, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.



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(Sunil Kumar Panwar, J)

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