

Court of Sessions Judge, Jamui.
S.T.No.562/2022

Dated: 16.1.2023

1. Heard both sides on the bail petition dated 12.1.2023 filed on behalf of the accused/petitioner **Soban Marandi** who is in custody since 31.5.2022 in connection with **Chakai P.S.Case No.120/2022 U/s. 304B/302 of the I.P.C.** pending before this court vide S.T.No.562/2022.

2. The submission for bail is that petitioner is quite innocent, and has not committed any offence. He has been falsely implicated in this case at the instance of mischief mongers of locality, and allegation as alleged against him is totally false and concocted and source of information is also vague. There is inordinate delay in lodging the F.I.R. This petitioner is in custody since 31.5.2022 without any rhyme and reason.

3. The learned P.P. has opposed the prayer for bail.

4. As per written application of informant Mohilal Marandi, the prosecution case, in short, is that marriage of daughter of informant namely Sarswati Murmu was solemnised with the accused/petitioner Soban Marandi about 6 years ago, and from this wed-lock, one male child was born. On 29.5.2022 at about 2.25 P.M. informant received information about death of his daughter. After getting information, informant along with his other family members went to the matrimonial house of his daughter, where, he saw the dead body of his daughter. The informant searched about his son-in-law/accused petitioner Soban Marandi, then neighbours told him that his son-in-law fled away. It has been further alleged that prior to the alleged occurrence, daughter of informant had made complain about dowry demand of a motorcycle by Soban Marandi, and it has been further alleged that due to non fulfillment of dowry demand of motorcycle, accused/petitioner Soban Marandi committed the murder of daughter of informant.

5. Perused the record, and case diary. It appears that in para 2 of case diary description of inquest report has been mentioned, and in column 5 of inquest report, it has been mentioned that there was sign of injury over right eye lid and injuries were also found on left side of neck and right side of cheek, and bleeding from nose was also found. In para 4 of case diary, restatement of

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informant has been mentioned, in which, he has supported the prosecution case, and specifically stated that prior to the death of his daughter, she was subjected to cruelty for demand of motorcycle by the accused/petitioner. In para 5,6, and 7 of case diary, statement of other witnesses have been mentioned, and they all have supported the prosecution case as well as complicity of the accused/petitioner in the alleged occurrence. P.M. Report of deceased is available with case diary which shows that doctor has found 1) Rigor mortis absent, Eye-closed, Mouth-Tongue protruded, 2) Foul smelling due to decompose body with bleb on body, 3) No external injuries are visible due to decomposition of body and 4) Genitals – NAD. Cause of death – Cardio Respiratory failure due to brain injuries (as external injury).

6. Since, there is specific allegation of demand of dowry and also specific allegation of committing murder of daughter of informant for non fulfillment of dowry demand against this petitioner, who is husband of deceased, and the case is pending for hearing on the point of framing of charge, hence, considering the above facts and circumstances as well as seriousness of the case, this court is not inclined to release the petitioner on bail, and accordingly, his prayer for bail is rejected.