

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17770 of 2019**

Arising Out of PS. Case No.-335 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

Uttam Kumar, Son of Tyagi Yadav, Resident of Village-Doudpur, P.S-  
Makhdumpur (Tehta-O.P.) District-Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nitya Nand Neeraj

For the Opposite Party/s : Mr.Sanjay Kumar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      18-07-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with  
Makhdumpur (Tehta-O.P.) P.S. Case No.335 of 2018 for the  
offence punishable under Sections 304(B)/34 of the Indian  
Penal Code.

The allegation against the petitioner is that the  
marriage of the daughter of informant was solemnized with the  
petitioner in the year 2016. The further allegation is that after  
marriage, the petitioner and his family members started  
torturing the deceased for demand of dowry, motorcycle, cash  
and gold chain. It has further been alleged that when demand of  
dowry was not fulfilled, the deceased was assaulted and  
administered poison.



Learned counsel for the petitioner submits that petitioner is husband of the deceased, who has committed suicide and all the witness has stated in the case diary that the deceased has committed suicide by consuming poison.

Learned counsel for the State submits that under Section 113(e) of the Evidence Act, the presumption is against the petitioner inasmuch as deceased has died within seven years of marriage and further there is specific allegation of demand of dowry and administering poison.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that deceased has been killed within seven years of marriage, accordingly, I am not inclined to grant anticipatory bail to the petitioner and the same is hereby rejected.

**(Anil Kumar Sinha, J)**

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