

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43868 of 2019

Arising Out of PS. Case No.-134 Year-2017 Thana- PARSABAZAR District- Patna

Niranjan Kumar, son of Sri Shailendra Singh, resident of village- Palanga,
P.S.-Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kr Sinha No.2, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. P. N. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-11-2019

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the informant, who has *suo*
motu appeared.

2. The petitioner seeks bail in connection with Parsa
Bazar PS Case No.134 of 2017 dated 06.07.2017 instituted
under Sections 304-B/34 of the Indian Penal Code and 3/4
Dowry Prohibition Act.

3. The allegation against the petitioner, who is the
husband of the deceased, is of strangulating her to death due to
non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submitted that
the allegation is false as there was no torture and demand of
dowry. It was submitted that the deceased had a one year old



daughter. The reason for the death, according to learned counsel for the petitioner, was that the father and grand-mother of the petitioner had executed sale deed in favour of the petitioner and the deceased, but after execution of the sale deed, the sister of the petitioner had sent legal notice claiming her share due to which the deceased committed suicide. It was submitted that the death occurred on 23.06.2017, but the First Information Report was lodged on 06.07.2017, which itself raises doubt about the authenticity and correctness of the allegations.

5. Learned APP and learned counsel for the informant, from the case diary, submitted that the doctor has found strangulation mark on the neck of the deceased and death was caused due to asphyxia. It was further submitted that the story of legal notice leading to suicide by the deceased is falsified from the postmortem report where the clear cut opinion of the doctor is that the death was due to asphyxia caused by strangulation. Learned counsel submitted that the reason for delay was that the informant, who is the father of the deceased, used to work in Ludhiana and upon information from his co-brother and sister-in-law, he came to Patna on 25.06.2017 and when he went to his daughter's place, he found that after postmortem hurriedly the dead body was also cremated.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to allow the prayer for bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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