

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10561 of 2020

Arising Out of PS. Case No.-244 Year-2019 Thana- DARAUNDA District- Siwan

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1. MANU BHAGAT @ MANU KUMAR S/o Bandhu Bhagat R/o village- Usati, P.S.- Daraudha, District- Siwan
 2. Anita Devi W/o Gautam Bhagat R/o village- Usati, P.S.- Daraudha, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 09-10-2020 Heard Mr. Ashok Kumar, learned counsel for the petitioners and Mr. Akshay Lal Pandit, Additional Public Prosecutor for the state through video conferencing.

2. Petitioners apprehends his arrest in connection with Daraunda PS Case No. 244/2019 registered for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

3. The allegation against the petitioners, as per FIR, is that marriage of the daughter of the informant was solemnized with petitioner no.1 in the year 2018 and soon after the marriage, the petitioners along with other accused persons started torturing the deceased and demanded dowry in the form of golden chain and cash from the informant and due to non fulfillment of the same, the daughter of the informant was killed



by the petitioners by administering poison.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner as alleged . Learned counsel further submits that fact of the matter is that the deceased had committed suicide and the present FIR has been lodged after delay of about 02 months and 07 days. Learned counsel further submits that the family members of the deceased had participated in the funeral and after some times, the present FIR has been lodged with oblique motive.

5. Learned counsel, referring to the case diary, submits that the witnesses have stated that they came to know that the deceased has committed suicide by hanging.

6. Learned counsel for the State, referring to the case diary, submits that the statement of family members of these petitioners has been recorded in para-3 of the case diary, in which, they have supported the prosecution story regarding torture meted out to the deceased and the present occurrence has taken place within one year of the marriage of the deceased and as per Section 113A and 113B of the Evidence Act, there is a presumption against the petitioners and the petitioners have failed to discharge initial burden giving reasonable justification regarding the death of the deceased in a suspicious condition



within a period of one year of her marriage. Learned counsel further submits that as per FIR, petitioner no.2 resides in her matrimonial home even after her marriage.

7. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that within one year of marriage, the deceased died in her matrimonial home, I am not inclined to exercise my discretion to grant anticipatory bail to the petitioners. Accordingly, the same is rejected.

(Anil Kumar Sinha, J)

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