

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19437 of 2020

Arising Out of PS. Case No.-375 Year-2019 Thana- BRAHMPUR District- Buxar

1. Surendra Singh @ Surendra Yadav, son of Mutan Singh @ Ram Krishna Yadav, resident of Village-Gaighat, P.S. Brahmpur, District Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bachan Jee Ojha
For the Opposite Party/s : Mr. N. K. Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 10-09-2020 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State, through Video Conferencing.

The petitioner seeks regular bail in connection with Brahmpur Police Station Case No. 375 of 2019, registered for the offences punishable under Sections 304-B/201/34 of the Indian Penal Code.

The allegation against the petitioner, as per the First Information Report, is that the marriage of the daughter of the informant was solemnized on 21.05.2019 with the petitioner and after their marriage, the petitioner along with his family members started demanding dowry in the form of golden chain etc. and due to non-fulfillment of the same, the daughter of the



informant has been killed by the petitioner and other co-accused persons by administering poison.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged inasmuch as the deceased has committed suicide by consuming poison within three months of the marriage due to the fact that she had love affairs with another boy and her marriage was solemnized against her will. He further submits that the side of the petitioner duly informed the informant about the poison being consumed by the deceased and also informed that the deceased had been admitted to the hospital.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that the deceased died of unnatural death within seven years of her marriage and there is allegation of administering poison to the deceased and there was demand of dowry also and, therefore, there is presumption against the petitioner under Section 113-B of the Evidence Act. He further submits that in course of investigation, and in the First Information Report also, it has been alleged that when the informant arrived at the hospital, he found the dead body of his daughter and the accused persons, including the petitioner, clandestinely disposed of the



dead body without any clue to the informant. He, thus, submits that the conduct of the petitioner in dealing with the dead body of the deceased and not informing the police creates presumption against the accused persons of the commission of the present offence.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the deceased has died unnatural death within seven years of her marriage in her matrimonial home, I am not inclined to grant regular bail to the petitioner.

This application is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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