

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25051 of 2020

Arising Out of PS. Case No.-56 Year-2019 Thana- BAKHARI District- Begusarai

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DIPAK KUMAR SAHNI @ DIPAK SAHNI S/o Radhe Sahni Resident of
Village-Bakhari Ward No.17, P.S.-Bakhari, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Chandan Kumar Kashyap
For the Opposite Party/s	:	Mr. Anil Prasad Singh
For the informant	:	Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-10-2020 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioner apprehends his arrest in connection with Bakhri Police Station Case No. 56 of 2019, registered for the offences punishable under Sections 304-B/34 of the Indian Penal Code.

The allegation against the petitioner is that the petitioner, along with other accused persons, demanded dowry from the sister (deceased) of the informant and due to non-fulfillment of the same, the petitioner and his family members killed the deceased by pressing her neck.

Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and the allegation against the petitioner is general and omnibus in nature.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioner is the husband of the deceased and the marriage of the petitioner was solemnized with the deceased in the year 2017, and within two years of marriage, the deceased has been killed in her matrimonial home and the post mortem report of the deceased discloses that the cause of death is asphyxia due to strangulation by pressing neck. He further submits that as per Section 113-B of the Evidence Act, there is presumption against the petitioner of committing the present offence, but the petitioner has failed to discharge his prima facie responsibility of his innocence and has not given any reasonable explanation for the death of the deceased in the house of the petitioner.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the deceased died in her matrimonial home within two years of marriage and the allegation against the petitioner, being the husband, is that the deceased has been killed after pressing her



neck, I am not inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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