

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28548 of 2020

Arising Out of PS. Case No.-84 Year-2019 Thana- NOKHA District- Rohtas

Ritesh Kumar, aged about 24 years, (Male), Son of Chandeshwar Singh,
Resident of Village- Penar, Police Station - Nokha, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Senior Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-12-2020 Heard Mr. Y.C. Verma, learned senior counsel for the

petitioner and Mr. Navin Kumar Pandey, learned counsel for the

State through video conferencing.

Petitioner seeks regular bail in connection with
Nokha P.S. Case No. 84 of 2019 registered for the offence under
Section 304(B) /34 of the I.P.C.

The allegation as per the First Information Report is
that the daughter of the informant was married with the
petitioner on 13.03.2019 and on 06.05.2019 the informant had
come for “Bidai” of his daughter whereupon he came to know
that his daughter has died. The informant has alleged that the
petitioner and his family members were demanding Rs. 2 Lakhs
for the last 15 days prior to the death of informant’s daughter
and due to non-fulfillment of the demand, the daughter of the



informant has been killed by petitioner and others by pressing her neck.

Learned senior counsel for the petitioner submits that petitioner is the husband of the deceased, has not committed any offence in the manner alleged and has falsely been implicated in this case without any evidence. Learned counsel further submits that the deceased has committed suicide and after death of the deceased the petitioner himself informed the informant and others about the death of the victim and the victim has committed suicide inasmuch as Police after investigation in its supervision note has stated that the door of the room of the victim was locked from inside and the lock was broken and the dead body was found hanging from the ceiling.

On the other hand, learned counsel for the informant and State referring to the case diary submits that the allegation against the petitioner is of demand of dowry prior to death of the deceased and from the post- mortem report it appears that the deceased has died of asphyxia due to strangulation and there is direct allegation of pressing of her neck by the petitioner and others for demand of dowry and the petitioner has not given any reasonable explanation regarding the cause of death of the deceased and further there is presumption under Section 113 A



& B of the Evidence Act against the petitioner and the victim has died within 3-4 months of her marriage in her matrimonial home as such, the petitioner does not deserve the privilege of regular bail at this stage.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the nature of allegation and the fact that the deceased has died within 3-4 months of marriage in her matrimonial home and there is presumption against the petitioner under Section 113A & B of the Evidence Act and the allegation is of demand of dowry for the last 15 days prior to the death of the victim, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the same is rejected.

However, the petitioner may renew his prayer for regular bail after one year from today, if the trial does not record any progress.

(Anil Kumar Sinha, J)

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