

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29881 of 2020

Arising Out of PS. Case No.-439 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. RAGHO SHAH Son of Late Thakur Shah Resident of Village - Nardapur, P.S.- Siwan (M), District - Siwan
2. Kamlawati Devi Wife of Ragho Shah Resident of Village - Nardapur, P.S.- Siwan (M), District - Siwan
3. Shankar Dayal Shah Son of Ragho Shah Resident of Village - Nardapur, P.S.- Siwan (M), District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Tiwary
For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-12-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Siwan (M) Police Station Case No. 439 of 2019, disclosing offences under Sections 304-B/201/120-B/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the marriage of the sister of the informant (deceased) was solemnized with petitioner no. 3 in the year 2019 and after two months of the marriage, all the accused



persons started demanding one motorcycle, as dowry, and due to non-fulfillment of the alleged demand, the accused persons assaulted, abused and tortured the deceased and on 13.11.2019, the petitioner no. 1 informed the informant that his sister has died and when the informant arrived at the matrimonial home of his sister, he saw the burnt dead body of his sister lying and on seeing the dead body of his sister, the informant became unconscious.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and the petitioner no. 1, who is the father-in-law of the deceased, had informed the informant regarding the death of the deceased and the cremation of the deceased was performed in presence of her family members, including the informant. He further submits that the First Information Report has been lodged after a delay of seven days. He further submits that the deceased has died by accidental fire while the deceased was preparing food. He further submits that the informant has filed a compromise petition before the learned Court below stating therein that he has filed the present case due to misconception of facts and his sister died due to accidental fire while she was preparing food and no one is responsible for her death.



On the other hand, learned Additional Public Prosecutor vehemently opposed the prayer for anticipatory bail and submits that there is allegation of torture and abuse against the petitioners due to non-fulfillment of the demand of dowry and within one year of the marriage, the deceased died an unnatural death in her matrimonial home, sustaining burn injuries and there is presumption under Section 113-B of the Evidence Act against the petitioners and the petitioners have miserably failed to discharge their initial liability and have not given any cogent justification about the death of the deceased in her matrimonial home and the accused persons have also disposed of the dead body without informing the police.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that there is allegation of demand of dowry and the deceased died within one year of marriage in suspicious condition in her matrimonial home, I am not inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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