

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 77726 of 2019

Arising Out of PS Case No.-76 Year-2019 Thana- KHODABANDPUR District- Begusarai

1. Pintop Kumar @ Pintu Kumar @ Pintush Kumar (Male, aged about 25 years) Son of Bauyelal Sah.
2. Mina Devi (Female aged about 50 years) Wife of Bauyelal Sah. Both 1 and 2 are Resident of Village-Fataut, P.S.-Khudabandpur, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Advocate
For the State	:	Mr. Arun Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 14-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Shubhesh Pandey, learned counsel for the petitioners and Mr. Arun Kumar, learned APP for the State.

3. At the very outset, learned counsel for the petitioners submitted that petitioner no. 2, who is the mother-in-law of the deceased, has been arrested during the pendency of the present application and, thus, the prayer on her behalf has become infructuous.

4. In view thereof, the application stands restricted to petitioner no. 1, Pintop Kumar @ Pintu Kumar @ Pintush Kumar.



5. The petitioner no. 1 apprehends arrest in connection with Khodabandpur PS Case No. 76 of 2019 dated 20.04.2019, instituted under Sections 304B/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

6. The allegation against the petitioners and his other family members is of killing the daughter of the informant due to non-fulfillment of dowry.

7. Learned counsel for the petitioners submitted that death occurred due to hanging, which was on account of the victim herself committing suicide. It was submitted that there was no role or foul play by the petitioner no. 1. Learned counsel submitted that neither the witnesses have stated nor the postmortem report discloses any injury on the body and there is only mark on the neck which shows that there was hanging and the cause of death is asphyxia. Learned counsel submitted that witnesses were also stated that the petitioner no. 1 was not inside the house when the occurrence took place. It was further submitted that the petitioner no. 1, though being the husband, had no role in the death. Learned counsel submitted that the father of the victim had come to the house upon being informed by the petitioner no. 1 and, thus, he had not tried to hide the death or burn the body to destroy evidence.



8. Learned APP, from the case diary, submitted that the death having occurred within months of the marriage, clearly, the petitioner no. 1 being the husband cannot be said to be innocent as the same was in the matrimonial home. It was submitted that even if it may be assumed, for the sake of argument, that the victim committed suicide, the petitioner no. 1 being the husband, was clearly responsible for having created a situation in the matrimonial home which forced the victim to take her own life. Learned counsel submitted that in any view of the matter, the petitioner no. 1 being in such relationship with the deceased and also the fact that death occurred within a few months of marriage and in the matrimonial home, by way of hanging, the petitioner no. 1 has to take responsibility.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant anticipatory bail to petitioner no. 1.

10. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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