

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20400 of 2021**

Arising Out of PS. Case No.-143 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Sonu @ Rahul Choudhary Son Of Binod Choudhary R/O Village- Jaya, P.S.-
Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh

For the Opposite Party/s : Mr. Yogendra Kumar A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 13-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Gaighat P.S. Case No. 143 of 2019, registered for the offence under Section 304(B) of the Indian Penal Code.

As per the prosecution case, the daughter of the informant was married with the petitioner on 26.05.2017 and thereafter, it is alleged that she was subjected to torture and cruelty for demand of dowry and lastly, on 2.6.2019, the informant got information that his daughter has been killed by the accused persons due to non-fulfillment of demand of dowry.

It is submitted that petitioner happens to be husband of the deceased and there is general and omnibus allegation. It is further submitted that as a matter of fact, no occurrence has



taken place, as alleged in the FIR, and at the relevant time, two brothers of the deceased were present in the house of petitioner and entire family members had gone to the house of one relative to attend a religious function. In fact, the deceased has committed suicide. There is no specific allegation of demand of dowry. Petitioner is in custody since 19.11.2019.

However, learned A.P.P. for the State opposed the bail petition and submitted that petitioner is husband of deceased and there is specific allegation of demand of dowry. Post-mortem report shows that cause of death is Asphyxia due to strangulation. Deceased has died in an unnatural circumstances within seven years of marriage at her matrimonial home.

Considering the nature and gravity of offence and the fact that petitioner is husband of the deceased, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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