

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32190 of 2021

Arising Out of PS. Case No.-359 Year-2019 Thana- JOGAPATTI District- West Champaran

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RAMU KUMAR Son of - Bikau Chaudhary Resident of - Dudhiyawa, P.S.-
Yogapatti (Nawalpur), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Fazle Karim, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-12-2021 Heard Md. Fazle Karim, learned counsel for the

petitioner and Mr. Nagendra Prasad, learned Additional

Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with

Yogapatti (Nawalpur) P.S. Case No. 359 of 2019 registered

for the offences punishable under Sections 304(B), 201 and

34 of the Indian Penal Code 1860.

The allegation as per the First Information Report

is that the marriage of the informant's daughter was

solemnized with the petitioner on 6.5.2018 and after

marriage, the petitioner and his family members started

demanding golden chain and Motorcycle by way of dowry

and due to non-fulfillment of the said demand, the



informant's daughter has been killed and the dead body has been cremated.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. He further submits that the daughter of the informant has died due to some illness and in the cremation of the deceased, the informant was also present.

Learned counsel for the State, on the other hand, submits that within sixteen months of the marriage, the daughter of the informant has died in her matrimonial home and under Section 113(B) of the Evidence Act, onus lies upon the petitioner, but the petitioner has failed to discharge his initial burden and has not given any reasonable justification for the death of the deceased in the matrimonial home.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that within 16 months of the marriage, the informant's daughter has died in her matrimonial home, her dead body was cremated clandestinely and there is a presumption against the petitioner under Section 113(B) of



the Evidence Act and no reasonable justification has been given by the petitioner regarding the death of the deceased, I am not inclined to grant regular bail to the petitioner.

The prayer for bail of the petitioner stands rejected.

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

(Anil Kumar Sinha, J)

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