

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28972 of 2020

Arising Out of PS. Case No.-246 Year-2019 Thana- HARLAKHI District- Madhubani

1. CHANDESHWAR THAKUR S/o Late Yadu Thakur Resident of Village-Mahadeopatti, P.S.-Harlakhi, District-Madhubani.
2. Hirawati Devi W/o Chandeshwar Thakur Resident of Village-Mahadeopatti, P.S.-Harlakhi, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narayan Chaudhary,
Mr. Vijay Kumar, Advocates.
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 02-02-2021 Heard Mr. Murari Narayan Chaudhary, learned counsel for the petitioner and Mr. Nawal Kishore Prasad, Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Harlakhi PS Case No. 246/2019 registered for the offence punishable under Sections 304 (B)/34 of the Indian Penal Code.

3. The allegation, as per First Informant Report, is that the daughter of the informant was married to one Birendra Thakur, son of petitioners no.1 and 2, in the year 2019 and the daughter of the informant has been killed within a year of marriage due to non fulfillment of demand of dowry by the petitioners and others.

4. Learned counsel for the petitioners submits that the petitioners are elderly father-in-law and mother-in-law of the deceased and have not committed any offence in the manner



alleged. Learned counsel further submits that the husband of the deceased is in custody.

5. On the other hand, learned counsel for the State submits that the daughter of the informant has died within one year of marriage in her matrimonial home in a suspicious condition and there is a cut mark on the neck of the body of the deceased and the petitioners are specifically named in the FIR and due to non fulfillment of demand of dowry, the daughter of the informant has been killed. Learned counsel next submits that there is a presumption under Section 113B of the Evidence Act against the petitioners and they have failed to give reasonable justification about the death of the deceased.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that within one year of marriage, the daughter of the informant died in her matrimonial home, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail, is hereby rejected.

(Anil Kumar Sinha, J)

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