

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30146 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- UJIYARPUR District- Samastipur

Akhilesh Rai @ Kamlesh Rai, Age about – 25 Years, Gender- Male, Son of Ram Naresh Rai @ Nanhki Rai, Resident of Village- Bhagwanpur Desua, Bholatole, P.S.- Ujijarpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Suresh Rai, Age about- 45 Years, Gender- Male, Son of Late Doman Rai, Resident of Village- Mohanpur Dhurloc, Ward No. -9, P.S.- Muffasil, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Senior Advocate
		Mr. Jagjit Roshan
For the Opposite Party/s	:	Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 15-01-2021 Heard Mr. Y.C. Verma, learned senior counsel for the petitioner and Mr. Narsingh Tanti, learned counsel for the State.

Petitioner seeks regular bail in connection with Ujijarpur P.S. Case No. 7 of 2020 / G.R. No. 12 of 2020 registered for the offence under Sections 201, 304 (B), 34 of the I.P.C.

The allegation as per the First Information Report is that the daughter of the informant has been killed by the petitioner due to non-fulfillment of the demand of dowry of a motorcycle within 01 month of marriage.

Learned senior counsel for the petitioner submits that petitioner has falsely been implicated in this case and the allegation against the petitioner and other family members is concocted. Learned counsel further submits that the date of marriage has not been disclosed in the First Information Report



and giving justification of the death, learned counsel submits that the deceased has died of illness. Learned counsel further submits that during the course of investigation the witnesses have stated that the deceased has died of illness. Learned counsel next submits that two seizure lists have been prepared i.e. one at the cremation ground and another at the house of the petitioner and from perusal of the same it would be evident that the timing stated in both the seizure lists are not matching.

On the other hand, learned counsel for the State submits that within 01 month of marriage the victim has died in her matrimonial home in suspicious condition and while the petitioner along with other family members were disposing the dead body clandestinely, the informant got this information and he immediately informed the Police and the Police recovered unburnt portion of the body parts at the cremation ground and prepared the seizure list. Learned counsel further submits that within 07 years of marriage the victim has died in her matrimonial home and presumption under Section 113B of the Evidence Act is against the petitioner and others and the conduct of the petitioner is also suspicious inasmuch as the petitioner and other family members disposed the dead body clandestinely.

Having regard to the submissions made by the parties



and taking into consideration the materials available on record and the fact that the victim girl has died within 01 month of her marriage in her matrimonial home, I am not inclined to grant regular bail to the petitioner.

Accordingly, the same is rejected.

However, the petitioner may renew his prayer for regular bail after completion of 01 year from today, if the trial does not record any progress.

(Anil Kumar Sinha, J)

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