

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37419 of 2020

Arising Out of PS. Case No.-26 Year-2020 Thana- KHUDWA District- Aurangabad

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KARU SINGH S/O LATE JANARDAN SINGH RESIDENT OF VILLAGE -
PANCHAHRA, P.S. - KHUDWAN, DISTRICT - AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Virendra Kumar Ray
For the Opposite Party/s :	Mr. Vinay Kumar Mishra, Adv.
	Mr. Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-03-2021 Heard Mr. Virendra Kumar Ray, learned counsel for the petitioner, Mr. Vinay Kumar Mishra, learned counsel for the informant and Mr. Mukeshwar Dayal, learned counsel for the State.

Petitioner seeks regular bail in connection with Khudwan P.S. Case No. 26 of 2020 registered for the offence punishable under Section 498 (A) / 304 (B) / 34 of the I.P.C.

The allegation as per the First Information Report is that marriage of the daughter of the informant was solemnized with the co-accused / Vikash Raj Kumar about 06 months back. It has been alleged that after marriage petitioner along with other accused persons started demanding dowry and due to non-fulfillment of the demand on the date of occurrence the



informant received information about the death of his daughter and when the informant arrived at the matrimonial home of his daughter he found his daughter was killed by strangulation and also found injuries near the ears of the deceased.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case with ulterior motive and he is the father- in- law of the deceased. Learned counsel also submits that similarly situated accused person i.e. mother -in -law of the deceased has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 37894 of 2020.

On the other hand, learned counsel for the State as well as informant vehemently oppose the prayer for bail and submits that during the course of investigation the witnesses have supported the prosecution story regarding demand of dowry, harassment and torture to the deceased and from perusal of the inquest report it appears that there was a black mark on the left and back side of the neck of the deceased and sign of blood near both the ears. Learned counsel further submits that confessional statement of the husband of the deceased was recorded wherein he has confessed that on 03.06.2020 he along with his father and mother killed his wife by strangulation with “dupatta”. Learned counsel next submits that within 07 years of



marriage the deceased has died in suspicious condition in her matrimonial home and there is presumption under Section 113 B of the Evidence Act against the petitioner.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the fact that there is direct allegation against the petitioner that he along with other accused persons tortured the deceased before the date of occurrence for dowry and the deceased has died in suspicious condition in her matrimonial home and no reasonable justification for death of the deceased has been given by the petitioner, as such, I am not inclined to grant regular bail to the petitioner.

Accordingly, the same is rejected.

However, the petitioner may renew his prayer for bail after completion of 09 months from today, if the trial does not record any progress.

(Anil Kumar Sinha, J)

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