

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38750 of 2020**

Arising Out of PS. Case No.-98 Year-2019 Thana- ATRI District- Gaya

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ABHISHEK ANAND son of Sri Satish Kumar Resident of Village- Sheotar,
P.S.- Atri, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 13-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is the husband of the deceased who is seeking regular bail in connection with Atri P.S. Case No. 98 of 2019 registered for the offences punishable under Section 304B/34 of the Indian Penal Code. He is in custody since 16.01.2020.

As per the prosecution story, on 12.03.2019 the son of the informant tried to call his sister (deceased) but the call was not answered. When the daughter-in-law of the informant called



the mother-in-law of the deceased then she was informed about the death of the daughter of the informant by consuming poison. The informant came to know that all the family members of her matrimonial home (including the petitioner) are involved in the death of his daughter and they used to torture her for demand of dowry.

Learned counsel for the petitioner submits that this is a case in which the marriage had taken place more than seven years ago and on the point of demand of dowry and torture there is no material in course of investigation. Learned counsel further submits that in several paragraphs of the case diary, the CDR of the mobile phone of the deceased has been analysed and it has been found that on the alleged date of occurrence she had talked to one Dhananjay Kumar. It is further pointed out that the F.I.R. has been lodged on 14.03.2019 at about 3.15 pm whereas inquest report has been prepared at 1.50 pm. It is his submission that the F.I.R. has been lodged after the investigation has already started and the seizure list and inquest report were prepared which would show that by suppressing the earliest version the present case has been lodged.

Learned counsel for the informant and learned A.P.P for the State have opposed the prayer for bail of the petitioner. It



is submitted that the marriage between the petitioner and the deceased had taken place in the year 2013. The death has taken place within seven years of the marriage and it is a case of dowry death which would further be strengthened from the fact that the informant had submitted two sanhas being So. 82 of 2014 and No. 220 of 2015 the earlier in the C.J.M., Sheikhpura in which he had alleged that the petitioner is demanding dowry. Learned counsel for the informant points out that this has come in course of supervision of the case.

Learned counsel further submits that the death had taken place inside the matrimonial home of the petitioner and from the medical examination report it would appear that according to the doctor the death is due to asphyxia as a result of pressure over neck.

Considering the facts and circumstances of the case and upon noticing that the informant had lodged at least two sanhas in the year 2014-15 in which he had disclosed about the demand of dowry being made and the death of the daughter of the informant has taken place inside the house of the petitioner, there being no plausible explanation with which the Court may be satisfied at this stage, the petitioner is the husband and as such also considering the entirety of the circumstances, this



Court is not inclined to release the petitioner on bail. Prayer for
bail is thus refused. Let the trial be expedited.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

