

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4065 of 2021

Arising Out of PS. Case No.-387 Year-2018 Thana- MAHNAR District- Vaishali

DEEPAK RAM Son of Suresh Ram Resident of Village - Baghnakcha Ward
No. 13, P.S.- Mahnar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Awadhesh Kumar Singh
For the State	:	Mr. Mithilesh Kumar Khare
For the informant	:	Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-06-2021 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State, through Video Conferencing.

The petitioner seeks regular bail in connection with
Mahnar Police Station Case No. 387 of 2018, registered for the
offence punishable under Sections 304-B/201/34 of the Indian
Penal Code.

The prosecution story, as per the First Information
Report, is that the daughter of the informant (since deceased)
was married to the petitioner in the year 2015 and soon after the
marriage, the accused persons, including the petitioner, started
demanding motorcycle from the father of the deceased and due
to non-fulfillment of the said demand, she was subjected to



torture and ultimately she was killed and her dead body was disposed clandestinely.

Learned Counsel for the petitioner submits that the petitioner is the husband of the deceased and has falsely been implicated in this case inasmuch as there is no specific allegation against the petitioner for demanding dowry and the same is general and omnibus against all the accused persons. He further submits that the deceased has died due to diarrhoea, which would be evident from the statement of the independent witnesses recorded by the police in course of investigation and the informant had also participated in the funeral of the deceased.

On the other hand, learned Additional Public Prosecutor and learned Counsel for the informant vehemently oppose the prayer for bail and submit that soon after the marriage, i.e. after 5-6 months, the accused persons started demanding dowry from the deceased and within three years of the marriage, she was killed and her dead body has been disposed without any information to the informant and other family members and there is presumption under Sections 113-A and 113-B of the Evidence Act against the petitioner and other accused persons and the petitioner has miserably failed to



discharge his initial liability and has not given any cogent reason about the death and disappearance of the body of the deceased. Learned Counsel for the informant submits that one-year old child of the deceased was missing and the accused persons did not give any information about the whereabouts of the daughter of the deceased.

Upon this, learned Counsel for the petitioner submits that the daughter of the deceased is living with the accused persons.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that within seven years of marriage, the deceased died unnatural death in her matrimonial home in suspicious condition and the prosecution has *prima facie* established the existence of proximate and live link between the dowry death and cruelty/harassment for dowry demand by the husband and his relatives and there is presumption against the petitioner under Section 113-B of the Evidence Act, which the petitioner has failed to discharge properly, I am not inclined to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail



within one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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