

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.405 of 2021

Arising Out of PS. Case No.-296 Year-2020 Thana- BARAUNI District- Begusarai

Chhappan Kumar @ Sanjay Son of Suresh Bind @ Maruti Resident of
Village- Malhipur Bind Toli, P.S.- Barauni (chakia), District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Ram Sumiran Rai, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 25-03-2021 Heard learned senior counsel for the petitioner and the
learned APP for the State.

Learned senior counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Barauni (Chakia) PS Case No. 296 of 2020, GR No. 2650 of 2020 instituted for the offence under Sections 304B and 201 of the Indian Penal Code.

The informant has alleged that her daughter was married to the petitioner nearly a year back, from when he has been demanding dowry and she has come to learn that he has been done to death by setting her ablaze.

The learned senior counsel submits that the First Information report has been lodged three days after the occurrence on 11.08.2020. It is further submitted that the prosecution story seems highly improbable as marriage of the victim, aged about 35 years, in the context of village



background, leaves no scope for any demand for dowry. It is further submitted that petitioner is in custody since 12.08.2020 and that there is no eye witness to the occurrence.

Learned APP has opposed the prayer for bail. It is submitted that in view of the unnatural death in the matrimonial home within five years and the allegation of demand of dowry is itself sufficient to raise presumption under Section 304 B against the petitioner. The petitioner cannot escape of his liability being the husband of the victim he owes prime responsibility towards safety and dignity of his wife. These facts have to be viewed in the background of six criminal antecedents of the petitioner.

Considering the rival submissions, this Court, for the present, is not inclined to grant bail to the petitioner. Prayer for bail made on behalf of the petitioner stands rejected.

(Madhuresh Prasad, J)

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