

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40412 of 2020

Arising Out of PS. Case No.-196 Year-2020 Thana- MADHUBAN District- East Champaran

RAMDAYAL SAH son of Late Babulal Sah Resident of Village- Gulbara
Madhuban, P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 15-06-2021 Heard Mr. Abhishek Kumar, learned counsel for the
petitioner and Mr. Amit Kumar Rakesh, learned A.P.P. for the
State through video conferencing.

Petitioner seeks regular bail in connection with
Madhuban P.S. Case No. 196 of 2020 registered under Section
498(A) / 304(B) / 201 of the IPC and Section 3/4 of the Dowry
Prohibition Act.

The allegation as per the First Information Report is
that the daughter of the informant was married to the co-accused
/ Dhiraj Kumar on 18.05.2019, who happens to be the son of the
petitioner and after some time of the marriage it has been
alleged that the accused persons started demanding dowry by
way of motorcycle and due to non fulfillment of the demand the
accused persons killed the daughter of the informant and



disposed the dead body clandestinely.

Learned counsel for the petitioner submits that petitioner is the father-in-law of the deceased and is aged about 65 years. Learned counsel next submits that demand of dowry against the petitioner is not specific and taking into consideration his age he was not supposed to demand motorcycle as dowry. Learned counsel next submits that husband of the deceased i.e. co-accused / Dhiraj Kumar is in custody and the petitioner undertakes to appear on each and every date during the course of trial if released on bail. Learned counsel next submits that during the course of investigation no cogent material has come against the petitioner and the deceased has died a natural death due to illness.

On the other hand, learned counsel for the State referring to the case diary submits that from perusal of the case diary it appears that the cause of death of the deceased was due to hanging. Learned counsel next submits that demand of dowry is apparent on the face of it from perusal of the First Information Report and the prosecution has established *prima facie* existence of proximate and live link between the dowry death and cruelty or harassment for dowry demand by the husband and his relatives.



Having regard to the submissions made by the parties and taking into consideration the materials available on record and the fact that within seven years of marriage the deceased has died in her matrimonial home under suspicious condition and there is presumption under Section 113A and 113B of the Evidence Act against the petitioner and others, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for grant of regular bail stands rejected.

However, the petitioner may renew his prayer for bail after nine months from today if the trial does not show any progress.

(Anil Kumar Sinha, J)

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