

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4056 of 2021

Arising Out of PS. Case No.-151 Year-2019 Thana- ROSERA District- Samastipur

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KULDEEP RAJAK @ KULDIP RAJAK SON OF BIDAN RAJAK @
BIGAN RAJAK RESIDENT OF VILLAGE- DATTHA, POLICE STATION-
ROSERA/ROSRA, DISTRICT-SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate

For the Opposite Party/s : Md. Sufyan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-06-2021 Heard Mr. Mirityunjay Kumar, learned counsel for the

petitioner and Md. Sufyan, learned Additional Public Prosecutor

appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Rosera P.S. Case No. 151 of 2019 registered for the offences
punishable under Sections 304(B), 328/34 of the Indian Penal
Code 1860.

The allegation as per the First Information Report is
that the petitioner along with other family members have
poisoned the sister of the informant who was married to the
petitioner in the year 2019 due to non-fulfillment of demand of
dowry.

Learned counsel for the petitioner submits that the



petitioner has not committed any offense in the manner alleged and he has falsely been implicated in this case merely on the basis of the fact that he happens to be the father-in-law of the deceased. Learned counsel further submits that there is no specific allegation of demand of dowry against the petitioner and the same is general and omnibus in nature and further the mother-in-law of the deceased i.e. wife of the petitioner has been granted anticipatory bail by a co-ordinate Bench of this Court.

On the other hand, learned counsel for the State submits that the petitioner is named in the First Information Report and he is head of the family and father-in-law of the deceased and within one month of the marriage, the deceased has died in her matrimonial home in a suspicious circumstance and there is presumption under Section 113A and 113B of the Evidence Act against the accused persons. He further submits that the petitioner has failed to explain the reasonable justification regarding the suspicious death of the deceased and has failed to discharge his initial liability. Learned counsel also submits that the prosecution has established existence of proximate living between the dowry death and cruelty for 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 on record and the fact that the sister of the informant has died within one month of the marriage due to non-fulfillment of demand of dowry in her matrimonial home and there is presumption under Section 113(a) and (b) of Evidence Act against the petitioner and other family members, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner stands rejected.

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

(Anil Kumar Sinha, J)

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