

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2768 of 2021

Arising Out of PS. Case No.-165 Year-2019 Thana- DERNI BAZAR District- Saran

Rajesh Kumar S/o Madan Mohan Sharma R/o village- Kakarahat Thika, P.S.-
Derni, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Ishwar Chandra

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 10-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Derni P.S. Case No. 165 of 2019 registered for the offence under Sections 498(A), 304(B) and 120(B) of the Indian Penal Code.

As per the prosecution case, daughter of the informant was married with petitioner on 29.05.2019 and after the marriage, it is alleged that the accused persons used to torture her for non-fulfillment of demand of dowry and ultimately, on 07.09.2019, they committed her murder.

It is submitted on behalf of the petitioner that petitioner has been falsely implicated in this case and no such occurrence has taken place. In fact, the deceased was suffering from mental disorder and other disease and as such, she



committed suicide. It is further submitted that *post-mortem* report also shows that the deceased has died due to drowning. It is further submitted that the police, after investigation, has not found case true under Section 304(B) of the I.P.C. and as such, chargesheet has been submitted under Section 306 of the I.P.C.

However, learned A.P.P. for the State vehemently opposed the bail petition and submitted that there is specific allegation of demand of dowry, for which, the deceased was subjected to cruelty and mental harassment and ultimately, the accused persons committed her murder, that too within a period of four months of her marriage.

Considering the facts & circumstances of the case as also submissions of the parties and the fact that there is specific allegation of dowry demand, deceased died within seven years of marriage and petitioner, being husband of the deceased, the bail application of petitioner is rejected.

(Prabhat Kumar Singh, J.)

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