

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34172 of 2021

Arising Out of PS. Case No.-497 Year-2020 Thana- SASARAM NAGAR District- Rohtas

Abhishek Kumar @ Sonu S/o Mr. Anil Singh Resident of Gali No.11 Ward No.05, P.S.- Sasaram, District- Bhojpur (Ara), presently residing at Village- Chakar, P.S.- Barhara, District- Bhojpur (Ara)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Shivam
For the Opposite Party/s : Mrs. Asha Devi

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-03-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Sasaram Town P.S. Case No. 497 of 2020, registered for the offence under Section 304(B)/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

It is a case of 'Dowry Death'. This petitioner alongwith his family members are alleged to have committed torture and killed the sister of the informant, due to non-fulfillment of demand of dowry.

Petitioner happens to be husband of the deceased. It is submitted that prosecution case is false & fabricated. In fact, the grand-mother of the deceased had died and as such, sister of the



informant (deceased) wanted to go her *Naihar*, but due to Covid-19, she was not allowed to go and as such, she went in depression and committed suicide by hanging. Information of the incident was immediately given to the informant from the mobile of father of petitioner. The *post-mortem* report also goes to show that except the ligature mark on the neck, there is no external injury on the person of the deceased and petitioner is in custody since 11.08.2020.

However, learned counsel for the State and informant opposed the bail petition and submitted that petitioner is husband of deceased and there is direct and specific allegation of demand of dowry and torture against him. Deceased has died in an unnatural circumstances within seven years of marriage at her matrimonial home.

Considering the nature & gravity of offence and the fact that petitioner is husband of the deceased and there is direct allegation against him, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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