

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35185 of 2021

Arising Out of PS. Case No.-178 Year-2019 Thana- SARAI RANJAN District- Samastipur

CHANDAN KUMAR @ CHANDAN RAY S/O PARMANAND RAY @
PARAM RAI R/o village- Meyari Datatol, P.S.- Sarairanjan, Distt.-
Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No.1

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-03-2022 Heard Mr. Mukesh Kumar No. 1, learned counsel for
the petitioner and Mr. Dilip Kumar No. 1, learned A.P.P. for the
State.

Petitioner seeks regular bail in connection with
Sarairanjan PS Case No. 178 of 2019 registered for the offence
under Section 304B and 34 of the IPC.

The petitioner is husband of the deceased and
allegation against him is that due to non fulfillment of the
demand of dowry the deceased has been killed by the petitioner
and other family members.

Learned counsel for the petitioner submits that
petitioner is the husband of the deceased and marriage of the



deceased was solemnized with the petitioner in the year 2018. He further submits that the date of occurrence is 14-11-2019, whereas, FIR has been lodged after delay of two days after the post- mortem was conducted on 14-11-2019. He next submits that from the post mortem report it would be evident that deceased has committed suicide and it was not a case of homicidal death.

On the other hand, learned counsel for the State submits that within seven years of marriage the deceased has met with an unnatural death in her matrimonial home and there is presumption against the petitioner and other accused persons under Section 113A and 113B of the Evidence Act.

Regard being had to the submissions made by the parties and taking into consideration the fact that there is specific allegation of demand of dowry against the petitioner and other accused persons and the prosecution has *prima facie* established proximate and live link between dowry death and torture and harassment for dowry by the husband and deceased has died in her matrimonial home within seven years of marriage in suspicious condition, accordingly, in my opinion nature of death is immaterial at this stage. As such, I am not inclined to grant regular bail to the petitioner.



Accordingly, the prayer for grant of bail is rejected.

However, the learned trial court is directed to expedite
the trial.

(Anil Kumar Sinha, J)

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