

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32208 of 2021

Arising Out of PS. Case No.-467 Year-2018 Thana- NAUTAN District- West Champaran

CHANDRIKA SAHANI S/o Manegar Sahani R/o village- Jagdishpur, Malahi
Tola, P.S.- Nautan (Jagdishpur), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr. B. N. Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 07-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Nautan (Jagdishpur) Police Station Case No. 467 of 2018,
registered for the offences punishable under Sections 304-B/34
of the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the marriage of the sister of the informant was
solemnized with the son of the petitioner in the year 2018 and
within three months of the marriage, the sister of the informant
died in her matrimonial home in suspicious condition and it is
alleged that the petitioner, along with the family members,
killed the deceased for non-fulfillment of the demand of dowry.

Learned Counsel for the petitioner submits that the



petitioner is the father-in-law of the deceased and has not committed any offence in the manner alleged. He further submits that the allegation against the petitioner is general and omnibus in nature and he is in custody since 22.06.2020.

On the other hand, learned Additional Public Prosecutor, referring to the contents of the First Information Report and the case diary, submits that there is specific allegation against the petitioner of demanding dowry and torture and within three months of the marriage, the deceased has died in her matrimonial home. He further submits that the post mortem examination report corroborates the allegation of dowry death inasmuch as the doctor has opined the cause of death to be strangulation due to throttling. He further submits that there is presumption against the petitioner under Section 113-B of the Evidence Act and the petitioner has failed to discharge the prima facie obligation and has not given any justification regarding the death of the deceased within three months of the marriage in her matrimonial home.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that there is specific allegation against the petitioner of demanding dowry and within



three months of the marriage, the deceased died in her matrimonial home due to strangulation and her dead body was found in a bamboo clump, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner will be at liberty to renew his prayer for bail after nine months from today if the trial does not register any substantial progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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