

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38029 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- BAKHTIYARPUR District- Patna

VINAY KUMAR @ VINAY KUMAR ARYA Son of Bindeshwar Rai
Resident of Village Abbu Mahammadpur, Police Station - Bakhtiyarpur,
District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Kashyap, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP
For the Informant	:	Mr. Avinash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 07-04-2022 Heard Mr. Ashok Kumar Kashyap, learned counsel
for the petitioner, Mr. Avinash Kumar, learned counsel
appearing for the informant and Mr. Damodar Prasad Tiwary,
learned Additional Public Prosecutor for the State.

Petitioner seeks regular bail in connection with
Bakhtiyarpur PS Case No. 122/2020 registered for the offence
punishable under Sections 304(B)/34 of the IPC.

This is a case of dowry death and the marriage of the
daughter of the informant was solemnized with the petitioner in
the year 2017. The allegation is that at the time of marriage the
gifts in the form of cash and kinds were given to the petitioner.
However, after one year of marriage, the petitioner and his
family members started demanding four wheeler and due to non



fulfillment of the demand of dowry, the daughter of the informant has been killed by the accused persons and her dead body was found hanging with fan.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to oblique motive and during course of investigation, the witnesses have stated that the mental condition of the deceased was not in order and due to death of her brother some time back, out of frustration, she committed suicide.

On the other hand, learned counsel appearing for the informant submits that within three years of marriage, the daughter of the informant has died unnaturally in her matrimonial home and there is specific allegation of torture for dowry against the petitioner and his family members. As such, there is a presumption under Sections 113A and 113B of the Evidence Act against the petitioner. He further submits that the petitioner is the husband of the deceased and the nature of death may not be taken into consideration at this stage. It is also submitted that the postmortem report reveals external injuries on the palm and other parts of the body and the doctor has opined the cause of death due to strangulation.

Regards being had to the submissions made by the



parties and taking into consideration the fact that within three years of marriage, the deceased died unnaturally in her matrimonial home, there is a presumption under Sections 113A and 113B of the Evidence Act against the petitioner and there is specific allegation of torture for dowry against the petitioner, I am not inclined to grant regular bail to the petitioner at this stage. The same is, hereby, dismissed.

Petitioner, if so advised, may renew his prayer for bail after one year from today, if the trial does not register any substantial progress.

(Anil Kumar Sinha, J)

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