

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38058 of 2021

Arising Out of PS. Case No.-589 Year-2019 Thana- NAUBATPUR District- Patna

SANJEET KUMAR CHAUDHARY Son of Late Surender Chaudhary
Resident of Mohalla - Motipur, P.S.- Naubatpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Shashi Shekhar Sharma, Advocate
For the State	:	Mr. Vinod Shankar Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 09-05-2022 Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioner and Mr. Vinod Shankar Modi, learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Naubatpur P.S. Case No. 589/2019 registered for the offences
punishable under Section 302/34 of the Indian Penal Code 1860.

The allegation, as per the First Information Report, is
that the daughter of the informant was married with the
petitioner and the marriage was solemnized about 13 years back.
It has further been alleged that the petitioner used to
continuously torture and assault the informant's daughter and on
7.9.2019 his daughter was killed by the petitioner and his
mother.



Learned senior counsel for the petitioner submits that from perusal of the First Information Report it appears that demand of dowry of Rs.5,00,000/- from the informant has been alleged but fact of the matter is that admittedly the marriage was solemnized about 13 years back, therefore, there could not be any presumption under 113-B of the Evidence Act. He further submits that in fact the deceased has committed suicide due to depression and illness and from perusal of the post mortem report it would be evident that the Doctor has found the cause of death due to *asphyxia* and shock leading to cardio respiratory failure as result of strangulation.

On the other hand, learned counsel for the State referring to FIR and case diary submits that there is specific allegation against the petitioner that he being the husband of the deceased used to torture her continuously and in the postmortem report the external injuries have also been found on the body of the deceased which shows that before she was strangled, was brutally assaulted by the accused persons. He next submits that during the entire investigation no witness has suggested that the deceased has committed suicide.

Regards being had to the submission made by the parties and taking into consideration the materials on record and



the fact that there is specific allegation against the petitioner that he used to physically assault the informant's daughter continuously and on the dead body the mark of injuries due to torture are present, the Doctor in his opinion has given the cause of death asphyxia due to strangulation and not asphyxia due to hanging, I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for bail of the petitioner stands rejected.

Let the trial be expedited by the trial court.

(Anil Kumar Sinha, J)

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