

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42097 of 2021

Arising Out of PS. Case No.-29 Year-2020 Thana- ANTICHAK District- Bhagalpur

SHARVAN KUMAR SAH Son of Jicchu Sah @ Bicchu Sah Resident of
Village - and P.S.- Antichak, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-04-2022 Heard the parties.

Petitioner seeks regular bail in connection with
Antichak PS Case No. 29 of 2020 registered under Sections 304
(B) / 34 of the IPC.

This is a case of dowry death. The petitioner is the
husband of the deceased.

The allegation is that within 2 ½ years of marriage the
petitioner along with other family members killed the
informant's daughter due to non fulfillment of demand of
dowry.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case on the basis of
suspicion only. Petitioner is in custody since 01.10.2020.

On the other hand, learned counsel for the State



submits that there is specific allegation of demand of dowry and due to non fulfillment of dowry demand the petitioner has killed his wife within 2½ years of marriage and there is presumption against the petitioner under Section 113 (B) of the Evidence Act. He further submits that the doctor has opined the cause of death as *asphyxia* due to manual strangulation. The injury no. 1 was caused to the deceased due to pressure applied by soft / firm and blunt object and injury no. 2 was caused due to closure of mouth and nostrils by soft / firm and blunt object.

Regard being had to the submissions made by the parties, taking into consideration the nature of allegation, evidence collected during the course of investigation, the fact that petitioner is the husband of the deceased who died within 2½ years of marriage in her matrimonial home in an unnatural condition, as such, I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for grant of regular bail is rejected.

Let the trial be expedited.

(Anil Kumar Sinha, J)

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