

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49580 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- DUMARIYA District- Gaya

1. KAMLESH YADAV Son of Vishwanath Yadav Resident of Village - Kolhubar, P.S.- Dumariya, District - Gaya.
2. Runiya Devi Wife of Vishshwanath Yadav Resident of Village - Kolhubar, P.S.- Dumariya, District - Gaya.
3. Vishshwanath Yadav Son of Late Bhikhari Yadav Resident of Village - Kolhubar, P.S.- Dumariya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-02-2022 Heard Mr. Anil Kumar Saxena, learned counsel for the petitioners and Mr. Kumar Ranjit Ranjan, Additional Public Prosecutor for the State through video conferencing.

Petitioners seek regular bail in connection with Dumariya PS Case No. 35/2020 registered for the offence punishable under Section 304(B)/34 of the IPC.

As per First Information Report, the petitioners along with other accused persons used to torture physically and mentally to the daughter of the informant who was married to the co-accused, Mithilesh Yadav about 5-6 years back and on the date of occurrence when the son of the informant had a



telephonic talk with the deceased, she informed her brother that the accused persons did not provide food to her and also assaulted her for non fulfillment of demand of dowry.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case and they have not committed any offence in the manner alleged. He further submits that no specific allegation has been levelled against the petitioners for demand of dowry and torture.

On the other hand, learned counsel for the State submits that there is specific allegation against the petitioners that they had tortured the deceased just prior to her death and the death took place within seven years of marriage and there is presumption against the petitioners under Section 113B of the Evidence Act.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that it appears that just prior to the occurrence, the deceased was mistreated and tortured by the petitioners and the deceased was administered poison leading to her death in her matrimonial home. From the material on records, it appears that prosecution has, *prima facie*, established existence of proximate and live link between the dowry death and cruelty or harassment



for dowry demand by the petitioners and there is presumption against them under Section 113B of the Evidence Act for which no reasonable justification has been given by the petitioners.

Accordingly, I am not inclined to grant regular bail to the petitioners. The same is, hereby, rejected.

However, petitioners, if so advised, may renew their 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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