

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52304 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- GOH District- Aurangabad

Dilip Kumar @ Vikki Son Of Mr Ajay Prasad Bari @ Lallu Bari Resident Of
Village- Andarbazar, P.S.-Goh, District- Aurangabad.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur- Advocate Mr. Udbhav- Advocate
For the State	:	Mr. Ajay Kumar No. 2- A.P.P.
For the Informant	:	Mr. Santosh Kumar Pandey- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-02-2022 Heard learned counsel for the petitioner and
learned APP for the State through video conferencing.

The petitioner seeks bail in connection with Goh
P. S. Case No.04 of 2021, instituted for the offences under
Sections 304(B), 201, 120(B) and 34 of the Indian Penal
Code.

The learned counsel for the petitioner submits that
the petitioner is in custody since 11.01.2021, he is a person
with clean antecedent and charge-sheet has been submitted
in the case.

The learned counsel for the petitioner submits that
the informant alleges that her daughter was married with



petitioner on 21.11.2021, the couples were issueless. It is further alleged that the accused persons including the petitioner started demanding Rs.5,00,000/- as dowry and for non-fulfilment of the same, the deceased was tortured. It is further alleged that the victim was married as it was made known to the informant that the petitioner works in an I.T. Company, when he was an unemployed person. The deceased was assaulted and sent back to her parental home and after talking to the accused persons deceased was again sent back to her matrimonial home on 29.09.2020. It is further alleged that the deceased informed her sister that she might be killed. On 08.01.2021, the informant was informed that deceased died due to fall from a ladder and when informant came to the place of occurrence, none of the accused persons were present in the house.

The learned counsel for the petitioner submits that petitioner has been falsely implicated. During the course of investigation, it has come that the deceased might have consumed poison. The learned counsel further submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that no ingredients of Section 304-B of the



I.P.C. is made out. It is submitted that in the F.I.R., it has been alleged that the informant was duped in getting his daughter married to the petitioner as the petitioner was unemployed, but portrayed as if he is an I. T. employee that also had strained the relationship for which the deceased consumed poison.

The learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application and submits that since the death was unnatural and as such, the petitioner and his family members did not inform the police in time fearing post mortem and as such, the post mortem of the of the deceased was not done. It is further submitted that the marriage was only about 04 years old and the presumption for the present for the purposes of bail is against the husband in terms of Section 304-B of the I.P.C.

The learned counsel for the informant and State further submit that even what has been submitted by the learned counsel for the petitioner is true, then she consumed poison then also the petitioner must have abetted then only the deceased killed herself, but in the facts of the case, it appears that the death was probably unnatural as a result of



which, post mortem was not done.

Considering the submissions made by the learned counsel for the informant and learned A.P.P. for the State, the Court is not inclined to grant bail to the petitioner.

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

(Satyavrat Verma, J)

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