

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58707 of 2021

Arising Out of PS. Case No.-194 Year-2020 Thana- SOHSARAI District- Nalanda

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Ajit Kumar @ Ajit Kumar Singh Son of Late Vinay Shankar Prasad @ Vinay Shankar Kutiyar R/o Village- Bich Bazar, Near Arya Samaj Mandir, P.S.- Sohsarai, District- Nalanda- 803118 (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha
For the Opposite Party/s : Mr.Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 04-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Sohsarai P.S. Case No. 194 of 2020, registered for the offence under Section 304(B) of the Indian Penal Code.

It is a case of 'Dowry Death'. The petitioner is alleged to have committed the murder of his wife by pressing her neck, due to non-fulfillment of demand of dowry.

It is submitted that petitioner is innocent and has been falsely implicated in this case. There is no specific allegation of demand of dowry and Section 304(B) of the I.P.C. is not made out, as the deceased died after seven years of marriage. From bare perusal of F.I.R., it is apparent that this petitioner himself informed the informant regarding death of the deceased. As a



matter of fact, the deceased committed suicide by hanging herself from a fan, which fact has also been supported by the *post-mortem* report. Petitioner is in custody since 25.10.2020.

However, learned A.P.P. for the State opposed the bail petition and submitted that petitioner is husband of deceased and there is specific and direct allegation of demand of dowry. Deceased has died in an unnatural circumstances.

Considering the nature and gravity of offence and the fact that petitioner is husband of the deceased, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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