

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58647 of 2021

Arising Out of PS. Case No.-64 Year-2021 Thana- SIKRAUL District- Buxar

RADHA KRISHNA PANDEY @ SONU PANDEY Son of Lakhan Lal
Pandey @ Dinesh Pandey Resident of Village- Basmanpur, P.S.- Sikraul,
Dist- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Adv.
For the Opposite Party/s	:	Mr.Ashok Kumar Singh, APP
For the Informant	:	Mr. Gourav Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioner, Mr. Gourav
Singh, learned counsel for the Informant and Mr. Ashok Kumar
Singh, learned A.P.P. for the State.

The petitioner seeks bail in connection with Sikraul
P.S. Case No. 64 of 2021 instituted for the offences under
Sections 304(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 25.08.2021 is a person with clean
antecedent, charge-sheet has been submitted in the case and the
informant alleges that his daughter was married to petitioner
on 02.05.2021 and after marriage the petitioner and his family
members started demanding Rs. 2 lakhs by way of dowry to
which the informant showed his inability saying that he has



seven daughters to marry and further on 13.06.2021, the petitioner was informed that his daughter died. Accordingly, wife of the informant reached the place of occurrence and saw her daughter died and thereafter the First Information Report came to be instituted by the informant alleging that the daughter was killed by strangulation.

Learned counsel for the petitioner submits that from perusal of the allegation, as alleged in the First Information Report, it would manifest that the informant alleges that on receiving information about the death of the deceased, his wife reached to the place of occurrence and saw the dead body of the deceased but no FIR was instituted and the FIR came to be instituted after a delay of three days by the informant, this clearly indicates that the petitioner has been implicated by way of after thought. It is further submitted that there was no demand of dowry and the allegation regarding dowry has been made only to give a serious colour to the case.

Learned counsel for the Informant submits that the marriage was not even two months old and the victim died within the house of the petitioner, the presumption as such for the present for the purpose of bail is against the petitioner and especially when the allegation is of killing the deceased by



strangulation. Learned counsel for the informant rebutting the submissions of the learned counsel for the petitioner with regard to delay in instituting the First Information Report submits that the mother and father of the deceased was so shocked that they could not institute the First Information Report in time. Further the delay was not such that it can be said that it was fatal for the prosecution as death took place and the victim within two months of marriage died.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the submissions made by the learned counsel for the informant, I am not inclined to grant bail to the petitioner. It is, accordingly, rejected.

(Satyavrat Verma, J)

Jagdish/-

U		T	
---	--	---	--

