

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64305 of 2021

Arising Out of PS. Case No.-385 Year-2020 Thana- GAIGHAT District- Muzaffarpur

CHANDAN SHARMA Son of Basant Sharma Resident of Village -
Makrandpur, P.s.- Gayaghat, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-02-2022 Heard Mr. Chandra Shekhar Anand, learned counsel
for the petitioner and Mr. Anil Prasad Singh, Additional Public
Prosecutor for the State through video conferencing.

Petitioner seeks regular bail in connection with
Gayghat PS Case No. 385/2020 registered for the offence
punishable under Sections 304(B)/120(B)34 of the IPC.

The informant solemnized marriage of her daughter
along with petitioner on 08.03.2020 and just after marriage the
petitioner along with other accused persons started demanding
Rs. 4 Lacs, motorcycle, gold chain etc., as dowry and due to non
fulfillment of the same, the daughter of informant was subjected
to torture, cruelty/harassment and on 20.11.2020 the daughter of
the informant was killed by hanging her with fan.

Learned counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case having no specific allegation. He further submits that the petitioner is husband of the deceased and restatement of the informant was only recorded and the persons who had accompanied the informant to the place of occurrence, their statement was not recorded during course of investigation. Learned counsel next submits that the deceased has committed suicide.

Regards being had to the submissions made by the parties and taking into consideration that within eight months of marriage, the daughter of the informant died in an unnatural way in her matrimonial home and there is allegation of dowry death against the petitioner who is the husband of the deceased in this case and further the prosecution has, *prima facie*, established existence of proximate and live link between the dowry death and cruelty or harassment for dowry demand by the petitioner and his family members. In my opinion, the nature of death is not material in the facts of the case and there is presumption against the petitioner/husband under Section 113A and 113B of the Evidence Act.

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



However, petitioner, if so advised, may renew his 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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