

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48235 of 2023**

Arising Out of PS. Case No.-114 Year-2023 Thana- SURSAND District- Sitamarhi

CHANDAN KUMAR SON OF JITAN RAI RESIDENT OF VILLAGE -  
AMANA, P.S. - SURSAND, DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                      |   |                        |
|----------------------|---|------------------------|
| For the Petitioner/s | : | Mr.Dinesh Jha          |
| For the State        | : | Mr.Ganesh Prasad Singh |
| For the informant    | : | Ms. Ruchi Acharya      |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 2      23-08-2023      1. Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. The petitioner apprehends his arrest in connection with Sursand Police Station Case No. 114 of 2023, dated 05.03.2023, registered for the offences punishable under Sections 304-B/34 of the Indian Penal Code.
3. The allegation against the petitioner is that the petitioner, along with other accused persons, demanded dowry from the daughter (deceased) of the informant and due to non-fulfillment of the same, the petitioner and his family members killed the deceased by pressing her neck.
4. Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and the allegation against the petitioner is general and omnibus in nature.

5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioner is the husband of the deceased and the marriage of the petitioner was solemnized with the deceased on 23.05.2021, and within two years of marriage, the deceased has been killed in her matrimonial home. She further submits that as per Section 113-B of the Evidence Act, there is presumption against the petitioner for committing the present offence, but the petitioner has failed to discharge his prima facie responsibility of his innocence and has not given any reasonable explanation for the death of the deceased in the house of the petitioner.
6. Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the deceased died in her matrimonial home within two years of marriage and the allegation against the petitioner, being the husband, is that the deceased has been killed after pressing her neck, I am not inclined to grant



anticipatory bail to the petitioner.

7. This application is, accordingly, dismissed.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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