

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8151 of 2023

Arising Out of PS. Case No.-83 Year-2021 Thana- PUSA District- Samastipur

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Anuj Kumar @ Anoj Kumar, Son Of Ashok Ram Resident Of Village-
Mohamadpur Deopur, P.S.- Pusa, District- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Namita Sharma
		Mr. Anshu Dhar Sharma
		Mr. Bijay Bhushan Prasad
For the Opposite Party/s :		Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 19-04-2024 1. Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in Pusa P. S. Case

No.83 of 2021 registered for the offences punishable under

Sections 304(B), 341, 323, 506, 498(A) and 34 of the

Indian Penal Code and Sections 3 and 4 of the D. P. Act.

3. The learned counsel for the petitioner submits

that petitioner, being husband, has been falsely implicated in

the instant case based on suspicion and is in custody since

19.10.2022. It is further submitted that charges in the case

have been framed on 12.01.2024, but till date, not a single

witness has been examined. It is next submitted that from



perusal of the allegations as alleged in the F.I.R., it would manifest that the informant alleges that her daughter was married to the petitioner on 13.05.2021 and after marriage for nearly two months, she led a peaceful conjugal life, but thereafter, her husband i.e. the petitioner and in-laws started demanding Rs.Two lacs by way of dowry and for non-fulfilment of the same, she was harassed both physically and mentally. It is further alleged that her maternal uncle of her husband and her sister in-law started pressurizing her to fulfil the demand or else she would be killed. It is next alleged that on 19.08.2021, the informant had gone to the matrimonial house of her daughter when she found her in a pitiable condition and on complaint, she was abused and assaulted by her in-laws in her presence, when she tried to pacify the matter. It is next alleged that on 20.08.2021 at about 1.00 A.M., she received a phone call that all accused persons have killed her daughter and her dead body has been concealed. Accordingly, she went to the place of occurrence, but she could not locate the dead body and thus, returned home and thereafter, again on 22.08.2021 at



5.00A.M., she received a phone call that a dead body has been found floating in the water. Hence, she reached the place of occurrence and identified the dead body as that of her daughter.

4.The learned counsel for the petitioner submits that from perusal of the allegation as alleged inn the F.I.R., it would manifest that the allegation of demand of dowry is general and omnibus in nature. It is also submitted that within a very short span of marriage, the dead body of the deceased was found lying in a pond from where it was retreat. It is next submitted that after the dead body was recovered from the pond, the same was sent for post mortem and the viscera sent for F.S.L. Examination. It is thus submitted that had the petitioner been involved in the occurrence, then he would have cremated the dead body and would not have thrown it on the pond as chances of recovery was there.

5.The learned Additional P. P. Sri Chandra Bhushan Prasad opposes the bail application of the petitioner and submits that petitioner is the husband and within a span



of five months of the marriage, the victim's dead body was found, as such, there is a presumption in law against the petitioner. It is also submitted that from perusal of the F.S.L. Report, it would manifest that nothing was found, but then, placing reliance on the post mortem report submits that injuries both external and internal were found on the body of the deceased, which amply demonstrates that before the deceased was killed, she was assaulted and the assault appears to be brutal as the deceased suffered internal injuries also.

6. Considering the submissions made by the learned Additional P. P., the Court is not inclined to release the petitioner on bail.

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

8. However, the learned trial Court is directed to expedite the trial.

(Satyavrat Verma, J)

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