

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10776 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- FATUA District- Patna

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Kunal Yadav @ Kunal Singh Son of Sikandar Singh @ Sikandar Rai Resident
of village- Naraina, PS- Fatuha, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rudra Deo

For the Opposite Party/s : Mr.Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 22-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Section 302 /34 of the Indian Penal Code.

3. As per prosecution case, daughter of the informant was married with petitioner and out of wedlock, two daughters were born. It is further alleged that due to non-giving birth of male child, daughter of informant was assaulted by the petitioner and other in-laws family members and lastly, she was killed due to hanging.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case merely because he happens to be husband of the deceased. Informant is not eye-witness to the occurrence and only on



suspicion, this petitioner and others have been made accused. During course of investigation, it has come that there was love marriage between the petitioner and deceased and as such, there was no occasion of demand of dowry. In fact, petitioner purchased a piece of land in the name of deceased, which shows love and affection of petitioner with deceased. The deceased committed suicide in absence of petitioner.

5. However, learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that petitioner is husband of deceased and there is specific allegation that he alongwith others committed the murder of the daughter of informant. In the *post-mortem* report, eight external injuries have been found on the person of deceased, which clearly goes to show that deceased was firstly assaulted and thereafter, killed. Deceased has died in an unnatural circumstances at her matrimonial home.

6. Considering the nature and gravity of offence and the fact that petitioner is husband of the deceased and there is specific and direct allegation against him, the anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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