

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23199 of 2024**

Arising Out of PS. Case No.-600 Year-2023 Thana- MADHUBAN District- East Champaran

NITESH KUMAR S/O KAPIL RAY @ KAPILDEV RAY R/O Village-
Lahladpur, P.S.- Madhuban, District- East Champaran at Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 25-04-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 304(B) and 302 of the Indian Penal Code in connection
with Madhuban P.S. Case No.600 of 2023.

3. The learned counsel for the petitioner submits that
petitioner being husband has been falsely implicated in the
instant case by the informant who is father of the deceased. It is
further submitted that marriage of the victim was performed
with the petitioner about two years back. It is also submitted that
informant alleges that on 06.12.2023 at about 04:00 PM he was



informed on his mobile that his daughter has died, accordingly he reached the place of occurrence and saw the dead body of his daughter and thus alleges that she was strangled to death.

4. It is next submitted that thereafter the postmortem of the body was conducted. The learned counsel submits that had the petitioner been involved in the occurrence then the effort would have been to dispose of the dead body and not keep it for postmortem. It is further submitted that the informant though alleges that at times the petitioner and the deceased used to fight after marriage, but then that was normal wear and tear of life and there is no allegation that any dowry was being demanded or for non-fulfillment of the demand the victim was killed. It is also submitted that informant and the petitioner have compromised the case.

5. The learned APP Chandrabhushan Prasad opposes the anticipatory bail application and submits that the marriage was only two years old, as such presumption in law is against the petitioner. It is further submitted that from perusal of the order impugned it would manifest that even the postmortem report record the cause of death to be asphyxia due to throttling which further corroborate the allegations as alleged in the FIR. It is also submitted that offence under Section 304(B) of the IPC



is not compoundable.

6. Considering the submission made by the learned APP, this Court is not inclined to accept the privilege of anticipatory bail to the petitioner, accordingly, the anticipatory bail application is rejected.

(Satyavrat Verma, J)

Prakash Narayan

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