

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37674 of 2024

Arising Out of PS. Case No.-173 Year-2023 Thana- MANJHI District- Saran

=====

Dashrath Sah S/o Swaminath Sah R/o vill - Dharni Das Ke Mathiya, P.S. -
Manjhi, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-07-2024 1. No one appears for the petitioner.
2. Heard learned Additional Public Prosecutor for the State.
3. This application, for grant of anticipatory bail, arises out of Manjhi Police Station Case No. 173 of 20182023 disclosing offences under Sections 304(B), 34 of the Indian Penal Code.
4. As per the prosecution story dated 08.06.2023, on 16.02.2022, the daughter of the informant namely Shobha Devi was married to one Dashrath Sah. It is alleged that Dashrath Sah along with other co-accused persons demanded Rs. 5 lacs and other articles at the time of marriage and when the informant expressed his inability, the marriage was solemnized with the intervention of the local people. It is further alleged that even after solemnization of marriage, all accused persons used to



demand dowry of Rs 5 lacs in the name of expansion of shop. When the daughter refused the same, she was tortured by all the accused persons. On 08.06.2023, the informant was informed by one of the co-villagers that his daughter has been killed by the accused persons and they have taken the body for burial and when the informant reached the burial, police reached the spot and took the body of the deceased, namely Shobha Devi, for postmortem.

5. Upon going through the bail application, it appears that petitioner is husband of the deceased and claims to have been falsely implicated in the present case and has not committed any offence in the manner as alleged in the FIR. The demand of dowry and torture is not specific against the petitioner. The allegation of demand of dowry is baseless and is not supported by any evidence. Further, defense of the petitioner that despite the demand of dowry and torture, not a single complaint was ever made either before the Court or police which indicates that the prosecution story and allegation of demand of dowry and torture in the name of expansion of shop is baseless and concocted. It has been stated that from perusal of the



postmortem report, it would manifest that the cause of death is asphyxia due to hanging which shows that no one has killed the daughter of the informant. Daughter of the informant was residing with her sister at her matrimonial home and deceased's sister developed love relation with the petitioner and due to which informant's daughter committed suicide.

6. Having regard to the materials on record and submissions made by learned A.P.P., it appears that marriage of the petitioner with the informant's daughter was solemnized on 16.02.2022 and within one and a half years of marriage, the informant's daughter has died in her matrimonial home.
7. The nature of death is not important, as to whether, it was natural, accidental, homicidal or suicidal; but within one and a half years of marriage the informant's daughter has been found dead and there is close proximity of time between demand of dowry and death of the informant's daughter. There is presumption against the petitioner under Section 113A & 113B of the Indian Evidence Act. Accordingly, I am not inclined to grant the privilege of anticipatory bail.



8. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

HarshPandey/-

U		T	
---	--	---	--

