

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38019 of 2024

Arising Out of PS. Case No.-379 Year-2023 Thana- GAIGHAT District- Muzaffarpur

Rahul Kumar, aged about 30 years, Male, Son of Vibhuti Singh, Resident of
Village- Durgapur Godani Tola, P.S -Katihar, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shreyash Bhardwaj, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 01-08-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Sessions Trial No. 18 of 2024 arising out of Gaighat P.S. Case No. 379 of 2023 instituted for the offences punishable under Sections 304(B), 120(B) / 34 of the Indian Penal Code.

3. It is a case of dowry death due to non-fulfillment of dowry demand by the petitioner and his family members.

4. Learned counsel for the petitioner submits that the petitioner is innocent has committed no offence and has falsely been implicated in this case. He further submits that the police has submitted charge sheet in this case under Sections 304(B), 120(B)/34 of the IPC. He next submits that there is no suicide



note on record to show that the petitioner has abetted the deceased to commit suicide and the postmortem report does not disclose the mark of any struggle or violence on the body of the deceased and the cause of death has been opined as hanging. Petitioner is the husband of the deceased Gunjan Kumari. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 28.09.2023.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for bail.

6. From perusal of the FIR, case diary, postmortem report and also perused the impugned order dated 02.03.2024 passed by the learned Additional District and Sessions Judge-VIII, Muzaffarpur, it appears that petitioner is the husband of the deceased and the marriage was solemnized on 29.05.2023. There is allegation of demand of dowry i.e., cash and furniture etc. From perusal of the records, it also appears that the deceased before her death has already given a Maruti Vehicle to her husband (petitioner) by taking loan of Rs. 10,00,000/- (ten lacs) from the Bank. The death has been occurred on 26.09.2023 after about four months of the marriage. The postmortem report of the doctor reveals that the deceased died from asphyxia due to hanging. It is an admitted position that the deceased was died



in the rental house where she was living with her husband (petitioner).

7. Considering the facts and circumstances of the case, nature and gravity of offence, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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