

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38364 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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MISTAR RAJ @ MANISTER KUMAR SAHANI @ MITHAI LAL
SAHANI S/O GAYA SAHANI R/O VILLAGE- SEMUAPUR, P.S-
DUMARIYAGHAT, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Aniket Singh
For the Opposite Party/s : Mr. Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 422-10-2024
1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Dumariya Ghat Police Station Case No. 296 of 2023, dated 15.11.2023, disclosing offences under Sections 304-B/34 of the Indian Penal Code.

3. The prosecution case, as per the First Information Report, is that on 14.11.2023, the informant received information that his daughter, namely, Roshni Kumari, (deceased) has been killed. Thereafter, the informant went to the matrimonial house of the daughter, where he found that her family members, including the petitioner, killed her due to non-fulfillment of demand of dowry.



4. Learned Counsel for the petitioner submits that the petitioner is the husband of the informant's daughter (now deceased). The petitioner has not committed any offence in the manner alleged. He next submits that on the date of occurrence, when the informant's daughter (deceased) did not come out, her room was broke open, where she was found hanging, as such, she has committed suicide. He also submits that the petitioner was in Bangalore at the time of occurrence and had no knowledge about the same.
5. I have heard learned counsels for the parties and perused the materials available on record.
6. From perusal of the impugned order, it appears that within seven years of marriage the deceased has died an unnatural death in her matrimonial home. The nature of the death is not important whether it is homicidal, suicidal or accidental, but the fact is that deceased has died an unnatural death within 07 years of her marriage. There is presumption against the accused persons under Section 113-A and 113-B of the Evidence Act, 1872. The petitioner is husband of the informant's daughter and there is allegation against him that he, alongwith others accused persons, demanded dowry from the deceased.



Accordingly, I am not inclined to grant the petitioner the
privilege of anticipatory bail.

7. The application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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