

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43926 of 2024

Arising Out of PS. Case No.-867 Year-2023 Thana- MANER District- Patna

Shashikant Kumar @ Bablu, Son of Late Akhilesh Rai @ Late Akhila Nand
Singh R/o Vill.- Sherpur, P.S.- Maner, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma- Sr. Advocate Mr. Ghanshyam Tiwary
For the State	:	Dr. Kumar Uday Pratap- A.P.P.
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 11-09-2024 1. Heard learned senior counsel for the petitioner and learned APP for the State.
2. No one appears on behalf of the informant.
3. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 304(B)/ 34 of the Indian Penal Code.
4. The learned senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that her daughter was married to the petitioner about one and a half years back and on 10.12.2023, her younger daughter received a call from Maner Police Station that her sister has died, accordingly, she reached the place of occurrence and saw the dead body of her daughter lying on a



bed, thus alleges that she was killed by the accused persons at the behest of the petitioner, further, alleges that the accused persons were also demanding dowry and for non-fulfilment of the same, the victim was assaulted earlier.

5. The learned senior counsel for the petitioner submits that from bare perusal of the allegations as alleged in the FIR, it would manifest that the same does not inspire confidence and appears to be cryptic. It is also submitted that though there is allegation of demand of dowry, but then, the said allegation is vague as the informant does not disclose that as to what was being demanded in the dowry by the victim and the informant. It is next submitted that the informant also alleges that the accused persons killed his daughter at the behest of this petitioner, which amply demonstrates that petitioner was not present at the place of occurrence, when the occurrence is alleged to have taken place. It is further submitted that petitioner is posted with the BSF and at the relevant time of the occurrence was in Rajasthan. It is also submitted that during the course of investigation at Para-30 of the case diary, it has come that even the tower location of the petitioner on the date of occurrence was at Madhya Pradesh. It is next submitted that though death of the victim took place within seven years of marriage, but



then, all deaths are not dowry deaths. It is further submitted that even the post mortem report does not corroborate the allegation of murder rather gives an impression that victim committed suicide.

6. Learned A.P.P. vehemently opposes the anticipatory bail application of the petitioner and submits that what is not disputed rather stands admitted is that the marriage was only one and a half years old. It is also submitted that the death took place within seven years of marriage and the petitioner is the husband of the deceased. It is next submitted that from perusal of the pleadings made in the anticipatory bail application, it would manifest that a plea has been taken that petitioner was married from before, but his first wife died on account of cancer and thereafter, he was married to the deceased and there was age difference in between the deceased and the petitioner, as such, the deceased might have committed suicide. It is next submitted that as far as plea of alibi is taken, there is no pleading in the anticipatory bail application that any representation on behalf of the petitioner was made to the concerned police officials for investigating the said plea. It is also submitted that plea of alibi is a weak plea. It is next submitted that had the petitioner not been present at the place of occurrence, then definitely a



representation from his side would have been given to the concerned police official and it cannot be presumed that petitioner being employed with the BSF is not aware of the law. It is also submitted that even presuming what has been submitted by the learned senior counsel appearing on behalf of the petitioner to be true, but then, the fact which remains admitted is that the deceased died within one and a half years of marriage and even if it was not a dowry death and the victim committed suicide, then it can safely be presumed that it was the petitioner being husband, who had created the condition conducive for the deceased to take the extreme steps for ending her life. It is also submitted that investigation is still continuing.

7. Considering the submissions made by the learned A.P.P. and the fact that investigation is continuing and the petitioner in the instant anticipatory bail application, for the first time, has taken the plea of alibi, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

8. The prayer of the petitioner for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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