

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45214 of 2024

Arising Out of PS. Case No.-139 Year-2023 Thana- KURTHA District- Jehanabad

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1. Nezam Ansari @ Nijamuddin S/o Barafati Husain @ Late Barafati
RESIDENT OF VILLAGE GANGAPUR, PS KURTHA, DISTRICT
ARWAL
 2. Jareena Khatoon W/o Nezam Ansari @ Nijamuddin RESIDENT OF
VILLAGE GANGAPUR, PS KURTHA, DISTRICT ARWAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Singh
For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-07-2024 1. This application, for grant of anticipatory bail, arises out of Kurtha Police Station Case No. 139 of 2023, dated 09.05.2023, disclosing offences under Sections 304-B/120-B/34 of the Indian Penal Code.
2. The prosecution case, as per the First Information Report, is that the informant solemnized the marriage of his daughter, namely Khushnashiba Khatun, with co-accused Arshad Alam in the year 2018. After marriage the petitioners, alongwith other accused persons, started demanding a sum of Rs. 10,00,000/- as dowry and due to non-fulfillment of the demand, the daughter of the informant has been strangled to death on 07.05.2023.



3. Learned Counsel for the petitioners submits that the petitioner no. 1 is father-in-law and the petitioner no. 2 is the mother-in-law of the deceased and they have falsely been implicated in this case. He next submits that both the husband and wife are of feeble mind, which the informant had already known and inspite of that, for the sake of his daughter's life, the marriage was solemnized. He further submits that on 07.05.2023, some altercation took place and due to anger and frustration the deceased has committed suicide and the allegation that the petitioners, alongwith others, have killed the deceased is false.
4. I have heard learned counsels for the parties and perused the materials available on record.
5. From perusal of the impugned order, it appears that within seven years of marriage the deceased has died 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 nos. 1 and 2 are father-in-law and mother-in-law of the deceased and



there is allegation against them that they, alongwith others, have demanded dowry from the deceased, I am not inclined to grant the petitioners the privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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