

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49042 of 2024

Arising Out of PS. Case No.-233 Year-2023 Thana- RUPAULI District- Purnia

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Krishnadeo Mandal @ K.D. Mandal @ Krishna Mandal @ Krishnadeo
Kumar Son of Arun Mandal R/O Shanti Nagar, P.S.- Rupauli, Mohanpur,
Dist.- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 18-10-2024 1. Heard learned counsel for the petitioner and Mr. Shyam Kumar Singh learned A.P.P. for the State.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is in custody since 12.10.2023 and the informant alleges that his daughter was married to the petitioner about one and half year back, after marriage in-laws started demanding motorcycle, further his daughter on the eve of Rakhi had come to her parental home and had disclosed that torture was being meted out to her, further on 17.09.2023 the informant was informed that his daughter died,



accordingly, he reached the place of occurrence and saw the dead body of his daughter lying on a bed, thus, alleges that accused persons killed her on account of non-fulfillment of the dowry demand.

4. Learned counsel for the petitioner submits that petitioner, being the husband, has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no effort on part of the petitioner or his family member was made to dispose of the dead body for the purposes of concealing evidence. It is next submitted that had the petitioner been involved in the occurrence of killing as alleged then efforts would have been made to conceal the evidence by disposing of the dead body. It is also submitted that on account of matrimonial discord in between the petitioner and the deceased, the deceased committed suicide and it was petitioner who had informed the informant about the death of the deceased, but the informant in the FIR does not disclose that as to who had informed him about the occurrence. Learned counsel further submits that if the deceased had informed the informant about the torture being meted out to her when she had gone to her parental home on the eve of Rakhi in that event the informant



would have come to the house of the petitioner for pacifying the issue but then that was not done which amply demonstrates that the said allegation has been alleged only with a view to give serious colour to the case.

5. Mr. Shyam Kumar Singh learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the marriage was only one and half year old and the deceased died in her matrimonial home within seven years of marriage as such the presumption in law is also against the petitioner. It is further submitted that the cause of death has been recorded as asphyxia as a result of hanging. It is thus submitted that even if the deceased committed suicide then it was petitioner who had created the conditions conducive for the victim to take the extreme step of ending her life.

6. Learned counsel appearing on behalf of the petitioner rebuts the said submission of the learned A.P.P. and submits that no doubt the death took place within seven years of marriage but then all deaths are not dowry death. It is further submitted that the postmortem report does not record any external or internal injury. It is next submitted that even the investigating officer of the case during the course of investigation did not find any marks of violence in the room



where the deceased committed suicide. It is also submitted that out of the wedlock, a child was born who is presently six months old and is staying with the parents of the petitioner.

7. On query of the Court as to whether charges have been framed against the petitioner or not on which learned counsel appearing on behalf of the petitioner fairly submits that charges till date have not been farmed.

8. The Court, for the present, is not inclined to release the petitioner on bail in connection with G.R. No. 5068 of 2023 arising out of Rupali (Mohanpur) P.S. Case No. 233 of 2023 pending in the Court of learned Chief Judicial Magistrate, Purnia/Successor Court.

9. However, the petitioner would be at liberty to renew his prayer for bail after framing of charge.

(Satyavrat Verma, J)

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