

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49657 of 2024

Arising Out of PS. Case No.-210 Year-2022 Thana- PANDARAK District- Patna

Shiv Shankar Kumar Son of Ramehswar Mahto R/O Vill.- Kondi, P.S.-
Pandarak, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-10-2024 Heard Mr. Ashok Kumar Kashyap, learned Advocate
for the petitioner and learned Additional Public Prosecutor for
the State.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with Pandarak P.S.
Case No. 210 of 2022 registered for the offences punishable
under Sections 304(B) and 34 of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that the marriage of the daughter of the informant was
solemnized four years ago. However, soon after the marriage,
she was subjected to demand of dowry and on account of non-
fulfillment of the same, she was done to death.

4. Learned Advocate for the petitioner contended that
the narrations made in the FIR clearly suggest the omnibus
nature of allegation against all the family members. In fact, on



the fateful day, on account of some trifle she committed suicide. The informant of this case subsequently came to know that the deceased was ill and suffering from diarrhoea and she died on account of food poisoning; a petition has been filed in this regard before the court below stating therein that the FIR was due to misconception. The petitioner is said to be the worker of a private company who usually lives in Delhi and in fact the date on which the occurrence took place he was not even present.

5. On the other hand, learned APP for the State opposed the bail application and submitted that the death has taken place within seven years of marriage and soon before the occurrence she was subjected to torture for dowry. The death has taken place in abnormal circumstances and as such the presumption of dowry death under Section 304B of the Indian Penal Code cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the *post mortem* report which suggest that the deceased died on account of asphyxia leading to cardiac respiratory failure caused by throttling of neck and the petitioner being the husband, this Court is not inclined to accede to the prayer for grant of bail and accordingly



the prayer for bail of the petitioner stands rejected, for the present.

(Harish Kumar, J)

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