

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50151 of 2024**

Arising Out of PS. Case No.-49 Year-2024 Thana- RAMGARH District- Kaimur (Bhabua)

1. SURENDRA CHAUDHARY S/O LUTAWAN CHAUDHARY @ LUTAVAN MALAH R/O VILLAE- NARHAN, P.S- RAMGARH, DISTT.- KAIMUR (BHABHUA), BIHAR.
2. DHANWATA DEVI W/O SURENDRA CHAUDHARY R/O VILLAE- NARHAN, P.S- RAMGARH, DISTT.- KAIMUR (BHABHUA), BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

**Appearance :**

|                          |   |                   |
|--------------------------|---|-------------------|
| For the Petitioner/s     | : | Mr.Aquaib Khan    |
| For the Opposite Party/s | : | Mr.Bharat Bhushan |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      28-08-2024      1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Ramgarh P.S. Case No. 49 of 2024 dated 20.02.2024 registered under Sections 304-B / 34 of the I.P.C.

3. As per the prosecution case the marriage of the informant's daughter was solemnized with the co-accused / Vikash Chaudhary on 05.03.2023. After marriage, the informant's daughter was being tortured physically and mentally by her in-laws and their family members due to non-fulfillment of demand of dowry. It has come during the course of investigation that motorcycle was being demanded as dowry from the informant's daughter. On 19<sup>th</sup> February, 2024 the informant's



daughter was killed by the petitioners and other accused persons knowledge of which was received by the informant through the neighbours in the morning of 20.02.2024.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been made accused in this case on false and fabricated story. He next submits that general and omnibus allegation has been made against the petitioners and no specific overt act has been attributed to the petitioners. He further submits that the petitioner no. 1 is the father-in-law of the deceased whereas the petitioner no. 2 is the mother-in-law of the deceased. The husband of the deceased is in custody. The deceased had heated arguments with her husband on 19.02.2024 and thereafter committed suicide. The cause of death is asphyxia.

5. I have heard learned counsel for the parties and have perused the materials on record. It appears that marriage of the informant's daughter was solemnized on 05.03.2023 and within one year of marriage the informant's daughter has died in her matrimonial home.

6. The nature of death is not important whether it is accidental, homicidal or suicidal. Within one year of marriage the informant's daughter has died an unnatural death in her matri-



monial home. There is close proximity of time between demand of dowry and death of the informant’s daughter. Presumption is against the petitioners under Sections 113A & 113B of the Indian Evidence Act.

7. Accordingly, considering the nature of allegation, gravity of offence and severity of punishment, I am not inclined to grant the privilege of anticipatory bail to the petitioners. The prayer for the same is rejected.

(Anil Kumar Sinha, J)

praful/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

