

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52413 of 2024

Arising Out of PS. Case No.-769 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

Abhishek Upadhyay @ Abhishek Kumar Son Of Mahendra Upadhyay @
Mahindra Upadhyay Resident Of Village- Bhekas, P.S.- Bhabua, Distt.-
Kaimur, 821101, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and Sri
Umeshanand Pandit, learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Section 304(B) /34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. It is a case of 'Dowry Death'. The deceased (daughter of informant) has been killed by petitioner and other family members due to non-fulfillment of demand of A.C. and 4-wheeler, as additional dowry.

4. It is submitted on behalf of petitioner that petitioner is innocent and has been falsely implicated in this case merely because he happens to be husband of the deceased. There is no eye-witness to the occurrence. Petitioner neither demanded any dowry nor committed any torture to the deceased. In fact, the deceased herself committed suicide by hanging. It is further



submitted that at the time of incident, petitioner was not present at home, rather he was on duty at Delhi. In support of his submission, learned counsel has annexed copy of attendance record, which is available at flag “Annexure P/3”. The post-mortem report does not reveal any internal / external injury on the person of deceased except the mark of hanging.

5. However, learned A.P.P. for the State vehemently opposes the bail petition and submits that petitioner is husband of deceased and there is specific and direct allegation of committing torture and demanding dowry against him. Deceased has died in an unnatural circumstances within seven years of marriage at her matrimonial home.

6. Considering the nature and gravity of offence and the fact that petitioner is husband of the deceased and there is specific and direct allegation of demand of dowry and committing torture against him, I am not inclined to extend the privilege of anticipatory bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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