

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48528 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- MANIGACHI District- Darbhanga

Neeraj Yadav @ Niraj Kumar Yadav S/O Budhan Yadav Resident Of Village
Mahathour Police Station Manigachhi District Darbhanga

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nilendu Kumar Choudhary
For the State	:	Mr. Ram Sumiran Rai
For the Informant	:	Mr. Saurav Anand
		Mr. Ankit Raj

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 18-10-2024 1. Heard learned counsel for the petitioner, the learned counsel appearing on behalf of the informant and learned APP for the State.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 304(B), 201, 120(B), 504, 506 and 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that the petitioner is in custody since 20.03.2024 and has been falsely implicated in the instant case by the informant being husband of the deceased. It is next submitted that the informant alleges that his daughter was married to the petitioner in the Year 2017 and from the wedlock, two children were born. Further, the accused persons after marriage were demanding



dowry of Rs.5 Lacs and on account of non-fulfilment of the demand, she was tortured. Further, on 16.12.2023, his daughter was killed and body cremated, thereafter he was informed by his well-wishers that his daughter has been killed and body is being cremated. Accordingly, he reached the place of occurrence, but did not find his daughter, hence informed the police when the accused fled.

4. The learned counsel for the petitioner submits that petitioner, being husband, has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the marriage of the deceased with the petitioner was performed in the Year 2017 and the informant alleges that for the first time dowry was being demanded on 14.11.2023 and for non-fulfilment of the dowry, she was assaulted/ tortured. It is next submitted that on 14.11.2023, the deceased had suffered from some ailment on account of which, she was admitted in D.M.C.H., as such, it absolutely does not stand to reason that when the deceased was admitted in D.M.C.H. on 14.11.2023, how could the dowry be demanded on the same day and the deceased assaulted. It is next submitted that the informant also alleges that on 16.12.2023, his daughter was killed and he was



informed about the same by his well-wishers, but then, he does not disclose the name of the well-wisher rather alleges that he came to the place of occurrence, did not find the body of his daughter, as such, he informed the police and the FIR was instituted after some consultation. It is submitted that this amply demonstrates that informant on coming to know about the death of his daughter came to the place of occurrence participated in the cremation and later, by way of afterthought instituted the instant FIR on 17.12.2023.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the bail application and submits that what is not disputed rather stands admitted is that the daughter of the informant, who was wife of the petitioner died. It is also submitted that death was within seven years of marriage, as such, presumption in law is also against the petitioner. It is next submitted that as far as submission of the learned counsel appearing on behalf of the petitioner that how it was possible to demand of dowry on 14.11.2023 and assault the deceased when on the said date, she was admitted at D.M.C.H. It is submitted that it is a plea of alibi or it may be a possibility that after assaulting, she was admitted at D.M.C.H. The learned counsel further submits that had the



death been a homicidal death, in that event, the petitioner would have waited for the family members of the deceased to participate in the cremation, but then, from perusal of the allegation as alleged in the FIR, it manifests that it has been specifically alleged that the body was cremated in haste.

6. Considering the submissions made by the learned counsel for the informant, the Court is not inclined to release the petitioner on bail.

7. Accordingly, the prayer of the petitioner for bail stands rejected.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

