

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52174 of 2024

Arising Out of PS. Case No.-418 Year-2023 Thana- KUDHNI District- Muzaffarpur

NAVIN KUMAR NIRALA S/O SRI RAJ NANDAN PRASAD R/O
VILLAGE- BANGRA BANSHIDHAR, P.S- KUDHANI, DISTT.-
MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K.
For the State : Mr. Anil Prasad Singh
For the Informant : Mr. Raju Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-08-2024 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor representing the State.
2. The petitioner seeks regular bail in connection with Kudhani Police Station Case No. 418 of 2023, dated 07.08.2023, registered for the offences punishable under Sections 304-B/34 of the Indian Penal Code.
3. The prosecution case, as per the First Informant Report the marriage of the informant's sister was solemnized with the petitioner in the year 2022 and on 06.08.2023, the informant received the information that her sister has been killed by the petitioner and others due to non-fulfillment of demand of dowry of Rs. 5 lacs and one



four-wheeler. Upon arrival, the informant saw that the dead body of her sister was lying on a cot in the verandah of her matrimonial home. The deceased was taken to the hospital where her postmortem was conducted and the body was handed over for her last rites.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case with ulterior motive. He further submits that the petitioner has committed suicide under her depressed mental status. He further submits that the doctor has not found any external injury while conducting postmortem of the deceased. He next submits that the petitioner is in custody since 13.05.2024.
5. on the other hand learned Additional Public Prosecutor and learned counsel for the informant vehemently opposed the prayer for bail and submits that within one year of marriage the deceased was killed by her in-laws and the petitioner for demand of dowry.
6. I have heard learned counsel for the parties and have gone through the materials on record including the impugned order. Within one year of the marriage, the informant's sister died an unnatural death in her matrimonial home.



The nature of death is not important whether it is natural, suicidal or accidental but the fact of the matter is that victim died an unnatural death within one year of her marriage. There is a presumption against the accused persons under Section 113(A) and 113(B) of the Evidence Act. The offence is serious in nature and the punishment thereof is also serious, accordingly, I am not inclined to grant regular bail to the petitioner for the present.

- 7. This application is, accordingly, dismissed.
- 8. However, the petitioner may renew his prayer for grant of regular bail after one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Raj Ranjan/-

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