

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67134 of 2024

Arising Out of PS. Case No.-776 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

Nitin Kumar Sah @ Tinku @ Rinku Son of Om Prakash Saha Moh-
Khalifabagh Keshav Bhawan Dr. RP Road Ps- Kotwali Dist- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Syed Masleh Uddin Ashraf, Advocate
For the Opposite Party	:	Mr. Akbar Ali, APP
For the O.P. No. 2	:	Mr. Ashutosh Kr. Verma, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 29-11-2024 Heard learned counsel for the petitioner, learned
counsel for the O.P. No. 2 and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kotwali (Jogsar) P.S. Case No. 776/2023 dated 22.08.2023 registered for the offences punishable u/s 498A, 304B and 120B read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the D.P. Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have killed the informant's daughter due to non-fulfillment of demand of Rs. 3 lacs as dowry.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner who is husband of the deceased. The petitioner neither demanded any dowry nor tortured the deceased. It is submitted that the deceased was not subjected to torture and cruelty soon before her death for or in connection with demand of dowry. Learned counsel has submitted that the deceased has committed suicide by hanging herself after closing the door from inside, which was opened by the police in presence of both the families, thereafter, inquest report was prepared on 15.06.2023 in presence of both the families and the dead body was sent for post mortem. Further, the dead body was handed over to the family but surprisingly everything was done without instituting the F.I.R. There is a delay of 53 days in lodging the F.I.R. The petitioner has one antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 10.06.2024.

5. Learned A.P.P. for the State as well as learned counsel for the O.P. No. 2 have vehemently opposed the bail petition of the petitioner by submitting that the petitioner is the husband of the deceased. As per the post-mortem report, the cause of death is due to asphyxia and venous congestion due to pressure and compression of neck by a ligature material. As per



para. 9 and 10 of the F.I.R, the delay in lodging the F.I.R has primarily been explained.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Kotwali (Jogsar) P.S. Case No. 776/2023 pending in the court of learned Chief Judicial Magistrate, Bhagalpur.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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