

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72594 of 2024

Arising Out of PS. Case No.-244 Year-2021 Thana- GORAUL District- Vaishali

Nakul Sahani @ Nakul Kumar Sahani S/o Bindeshwar Sahani R/o vill -
Rusulpur Daud, P.S. - Goraul (Katahara O.P), Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj

For the Opposite Party/s : Mr. Tarun Prasad Mandal (App)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 11-11-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Goraul Police Station Case No. 244 of 2021,
disclosing offences under Sections 304B, 201, 120B of the
Indian Penal Code.

3. As per the prosecution case, the sister of the
informant i.e., Chandni Devi, aged about twenty years was
married to the petitioner in June, 2020. On 21.06.2021 in the
evening, the informant received an information that petitioner
and his family members has killed his sister due to non-
fulfillment of demand of dowry of motorcycle and other articles.
On such information, informant reached to the matrimonial
home of her sister along with his family members and found
that the house was opened and nobody was found in the house
including her sister. Upon search, dead body of informant's
sister was found near Basti Sarsikan Chaur on a cot. The



informant has said that her sister has been killed by pressing her neck and was also assaulted with plier and belt. It is a case of dowry death within one year of marriage. The informant's sister has died in her matrimonial home in suspicious condition. Petitioner is husband of the deceased.

4. No one appears for the petitioner. However, from perusal of the bail petition, it appears that the petitioner has taken the defence that informant was not aware about the incident and she has lodged a case on the basis of suspicion and assumption. The petitioner has denied the allegation and has claimed that allegations are false and baseless. There is no allegation in the FIR regarding any previous assault or torture by the petitioner or his family members to the informant's sister. The informant has filed a petition before the learned concerned Court that the FIR has been lodged on the basis of rumors. The statement of the informant has been annexed at Annexure 2. The deceased had gone to the filed in the morning and her legs got slipped due to which she met with an accident and died.

5. I have heard learned counsel for the State and have gone through the materials on record. There is specific allegation in the FIR regarding demand of dowry, torture and subsequent death of the informant's sister. The deceased was



married to the petitioner about one year back. From perusal of the impugned order, it appears that anticipatory bail application of the petitioner was earlier rejected by the learned Sessions Judge, Vaishali, vide ABP No. 2625 of 2022 and after lapse of about two years, he again filed this anticipatory bail. Within one year of marriage, the informant's sister has died an unnatural death in her matrimonial home and there is presumption against the petitioner and others under Section 113(B) of the Evidence Act. The offence is serious in nature, accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

HarshPandey/-

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

