

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78388 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- DHANGAI District- Bhojpur

1.

Sri Ram Sah S/O Late Tulshi Sah R/O Village- Sivpur, P.S- Dhangai, District- Bhojpur
2.

Sugiya Devi W/O Sri Ram Sah R/O Village- Sivpur, P.S- Dhangai, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bibhakar Tiwary
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-12-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Dhangai P.S. Case No. 03 of 2024 registered for the offence under Section 304B of the I.P.C.

3. As per the First Information Report the petitioners, who are father-in-law and mother-in-law respectively, have allegedly strangled their daughter-in-law on 19.01.2024 due to non fulfillment of demand of Rs. 50,000/-.

4. Learned counsel for the petitioners submits that the petitioners at no point of time had made any demand of dowry. Taking plea of alibi, he submits that the petitioners were not even present at the place of occurrence when the alleged



incident took place. The petitioners have no criminal antecedent.

5. I have heard learned counsel for the parties. From the record it appears that marriage of the victim (deceased) was solemnized with the son of the petitioners in the month of February, 2023 and within one year of marriage the informant's daughter has died an unnatural death in her matrimonial home. The nature of death is not important as to whether it was natural, accidental, homicidal or suicidal but within one year of marriage the informant's daughter has been found dead and there is close proximity of time between demand of dowry and death of the informant's daughter. There is presumption against the petitioners under Section 113A & 113B of the Indian Evidence Act. The learned Addl. Sessions Judge-VIII, Bhojpur, Ara while refusing the prayer for anticipatory bail has taken note of the fact that the informant in his re-statement recorded in paragraph no. 03 as well as other witnesses in their statement recorded in paragraph nos. 04 & 05 of the case diary have fully supported the prosecution version. The post-mortem report contained in paragraph no. 24 of the case diary shows that death has occurred due to shock and asphyxia due to manual strangulation (throttling).

6. Considering the gravity of offence, the severity of



punishment and the fact that petitioners are in-laws having allegation of demand of dowry, I am not inclined to grant the privilege of anticipatory bail to the petitioners. The same stands rejected.

(Anil Kumar Sinha, J)

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