

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78095 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- BARAULI District- Gopalganj

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1. Suganti Devi W/O Fuldhari Bhagat Resident of Village- Kahalal Hajari Tola, P.S- Barauli, District- Gopalganj
 2. Rakesh Kumar S/O Late Fuldhari Bhagat Resident of Village- Kahalal Hajari Tola, P.S- Barauli, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ansiur Rahman, Advocate
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 02-12-2024 1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor representing the State.
2. This application, for grant of anticipatory bail, arises out of Barauli Police Station Case No. 125 of 2024, registered for the offences punishable under Section 304-B of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the marriage of the informant's daughter (now, deceased) was solemnized with co-accused Deepak Bhagat on 11.05.2022. At the time of marriage, informant had given gifts



and household articles along with a motorcycle as a dowry. It is alleged that soon after the marriage, in-laws of the daughter of informant started demanding Rs. 50,000/- as dowry in order to open a shop and on non-fulfilment of the same, they started assaulting and torturing his daughter. It is further alleged that on 17.04.2024, the informant received information that his daughter was killed and when he reached to her matrimonial home, he saw that the dead body of her daughter was lying on a bed and a strangulation mark was present on her neck. The informant has alleged that accused persons along with the petitioners have killed his daughter due to non-fulfilment of the demand for dowry.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to the fact that petitioner no. 1 is the mother-in-law and petitioner no. 2 is the brother-in-law of the deceased. He further submits that the deceased along with her husband was living separately from the petitioners and petitioners have got no concern with the day to day life of the deceased and/or her husband. He further submits that the deceased was a sentimental lady and due to quarrel with her husband, she might have committed suicide.

5. On the other hand, learned Additional Public



Prosecutor and the informant vehemently opposed the prayer for bail and submits that within two years of marriage, the deceased was killed by the petitioners along with others 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.

7. Within seven years of marriage, the informant's daughter 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 deceased died an unnatural death within seven years of her marriage. Allegation in the F.I.R. is that petitioners along with others used to demand dowry and due to non-payment of the same, tortured and threatened the deceased. 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 severe. The mother-in-law is supposed to be the responsible member of the family.

8. Accordingly, I am not inclined to grant anticipatory bail to the petitioners.



9. This application, so far as petitioners are concerned, is dismissed.

(Anil Kumar Sinha, J)

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