

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79855 of 2023**

Arising Out of PS. Case No.-747 Year-2023 Thana- ALAMGANJ District- Patna

Pratik Shail @ Pratik Sail Sonof Sri Shailendra Kumar R/O 301, Shri Kunj
Apartment, Bajrang Puri (West), Gaighat, P.S.- Alam Ganj, Dist.- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Prasad Singh, Sr. Adv. Mr. Madhumay Madhup, Adv. Mr. Anand Kumar Tiwari, Adv. Mr. Nishikant, Adv.
For the informant		Mr. Akhilesh Dutta Verma, Adv.
For the Opposite Party/s	:	Mr. Umanath Mishra, APP

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

ORAL ORDER

7 12-07-2024 Heard learned counsel for the petitioner, learned counsel
for the informant and learned Additional Public Prosecutor for the
State.

2. The petitioner is apprehending his arrest in a case in
connection with Alam Ganj P.S. Case No. 747 of 2023 dated
18.08.2023 registered for the offences punishable u/ss 304B read
with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the marriage of the
informant's daughter was solemnized with the petitioner on
11.05.2022 as per Hindu Rites and Custom. After one month of her
marriage, the petitioner and the co-accused persons started torturing
the informant's daughter mentally and physically for the sake of
dowry. Thereafter, the accused persons including the petitioner
committed murder of the informant's daughter due to non-fulfillment



of demand of Rs. 28,00,000 /- as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the husband of the deceased and he has no concern with the alleged offence. The petitioner neither demanded any dowry nor tortured the informant's daughter. It is further submitted that the deceased was treated by Dr. S.K. Aastik. She had also been treated by the petitioner at Universal Hospital, Patna. Thereafter, the deceased was admitted to Paras Hospital, Patna by the informant/ father and her family members. He has further submitted that as per the medical prescription of the deceased, she was suffering from chronic and severe abdominal Tuberculosis and various other complications but she never disclosed to the in-laws. The daughter of the informant died of chronic and severe Tuberculosis. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner is the husband of the deceased. The deceased was treated by the doctor Shachindra Kumar Aastik. On examination of radiological and pathological test, Tuberculosis Ascitic was found in the stomach of the deceased. The doctor has opined that she (deceased) would have been the patient of Tuberculosis for about a month. The family members of the deceased did not provide any medical prescription regarding the treatment of



the deceased. No any medical prescription has been filed on behalf of the petitioner with regard to the treatment of other complications of the deceased. The P.M. report does not show that she died of Tuberculosis rather the opinion with regard to the cause of death is kept reserved till Histopathological and Chemical analysis report is received. It is further submitted that the mere saying that the petitioner took the deceased to hospital does not demolish the prosecution case as regarding to unnatural death of the deceased. The occurrence took place in the house of in-laws, the onus lies on the inmates of the house to explain circumstance leading to her death. The deceased was subjected to cruelty and harassment in connection with the demand of dowry.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, the petition is rejected and the petitioner is directed to surrender before the Court below concerned within eight weeks from the date of this order and pray for regular bail, the learned Court below may consider his prayer for regular bail in accordance with law and on its own merits without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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