

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85259 of 2023

Arising Out of PS. Case No.-210 Year-2022 Thana- PANDARAK District- Patna

Shiv Shankar Kumar, son of Rameshwar Mahto, Village- Kondi, PS- Pandarak District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 19-04-2024 Heard Mr. Ashok Kumar Kashyap, learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Pandarak P.S. Case No. 210 of 2022 registered for the offence punishable under Section 304B read with 34 of the Indian Penal Code.

3. The prosecution case based on the written report of the informant, alleging that the marriage of his daughter was solemnized with the petitioner four years ago. Despite the fact that the couple blessed with three daughters, the victim always subjected to demand of dowry and, on account of non-fulfillment of the same, she was pestered in various ways, leading to her death.

4. Learned counsel for the petitioner, submits that the



deceased was a lady having short-tempered. She had always remain in depression due to beget of three girls child and on the alleged date of occurrence because of some dispute she herself committed suicide. He further submits that on the alleged date of occurrence, the petitioner was not even in the house; rather he was working in Delhi. Moreover, the petitioner bears fair antecedent.

5. Learned counsel for the petitioner drew the attention of this Court to Annexure-2, a petition filed on behalf of the informant, stating therein that his daughter died due to diarrhoea and submits that, in fact, on misconception, this FIR has been instituted. He next submits that the victim was never subjected to any sort of torture at the hands of the petitioner.

6. On the other hand, learned counsel for the State while refuting the contention of the petitioner, submits that during the course of investigation, apart from the fact that the witnesses have supported the prosecution case, it has come that on the alleged date and time of occurrence, the petitioner was already present in the house. The postmortem report suggests that the death occurred on account of throttling and the marks have also found on the neck of the victim. He lastly submits that though a petition has been filed by the informant, but unnatural



death took place within seven years of the marriage preceding the demand of dowry and, as such, presumption of causing dowry death cannot be ruled out.

7. Regard being had to the rival submissions of the parties and considering the nature of allegation and the fact that the postmortem report suggests unnatural death within four years of the marriage and the petitioner is non-else but the husband, this Court is not acceded the prayer for grant of anticipatory bail to the petitioner. Accordingly, his prayer is rejected.

8. However, if the petitioner surrenders and seeks regular bail, the court below shall consider the same on its own merit without being prejudiced in any manner by the present order.

(Harish Kumar, J)

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