

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1124 of 2025

Arising Out of PS. Case No.-539 Year-2024 Thana- BIHTA District- Patna

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1. Raushan Kumar @ Guddu Kumar @ Raushan Kumar Yadav S/o- Sanjay Rai
Resident of village- Kelhanpur Ganchhi Ps-Bihta District- Patna
 2. Babli Kumari @ Babli Devi W/o- Raushan Kumar @ Guddu Kumar @
Raushan Kumar Yadav Village- Kelhanpur Ganchhi Ps- Bihta Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Dubey
For the Opposite Party/s	:	Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-01-2025 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Bihta P.S. Case No. 539 of 2024 dated 18.06.2024 registered for the offence under Section 304(B)/34 of the I.P.C.

3. The prosecution story as per the first information report is that the marriage of the informant's sister was solemnized in the year 2021. The allegation is that the petitioners along with other accused persons tortured and subsequently killed the informant's sister due to non fulfillment of demand of dowry of Rs. 500000/-.

4. Learned counsel for the petitioners submits that the petitioner no. 1 is the "Bhaisur" of the deceased and the petitioner



no. 2 is the elder “gotnee” of the deceased and they are living separately from the husband of the deceased and has no connection with the family affairs of the deceased and her husband. The husband of the deceased is in custody. He submits that no specific allegation has been attributed against the petitioners and only name of the petitioners has been incorporated as accused in the F.I.R.

5. I have heard learned counsel for the parties. From the record it appears that marriage of the victim (deceased) was solemnized in the year 2021 and within three years of marriage the informant’s sister has died an unnatural death in her matrimonial home. In the F.I.R. specific allegation of demand of dowry and torture is there against the petitioners. The nature of death is not important as to whether it was natural, accidental, homicidal or suicidal but within three years of marriage the informant’s sister has been found dead and there is close proximity of time between demand of dowry and death of the informant’s sister. There is presumption against the petitioners under Section 113A & 113B of the Indian Evidence Act. The learned Addl. Sessions Judge-VII, Danapur while refusing the prayer for anticipatory bail learned Sessions Judge has taken note of the fact that the witnesses in their statement recorded in paragraph



nos. 04 & 11 of the case diary have fully supported the prosecution version and from perusal of the post mortem report it appears that there are ante mortem injuries over the body of the deceased and death due to asphyxia caused by strangulation is evident from the post mortem report.

6. Considering the gravity of offence, the severity of punishment and the fact that the present case relates to dowry death, I am not inclined to grant the privilege of anticipatory bail to the petitioners. The prayer for the same stands rejected.

7. However, if the petitioners surrender and seeks regular bail, the court below shall consider the same on its own merit without being prejudiced by the fact that the present anticipatory bail application has been rejected by this Court.

(Anil Kumar Sinha, J)

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