

Arising Out of PS. Case No.-78 Year-2024 Thana- Jaitpur District- Muzaffarpur

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- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-09-2025 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 80 and 3(5) of the BNS, 2023.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 2 is a woman and the informant alleges that in the year 2022, his daughter was married to Saroj, further on 16.07.2024, he was trying to contact his daughter, further on 17.07.2024 he got an information from neighbour of his daughter that she has been



killed, accordingly, he came to the place of occurrence and did not find anyone except the mother-in-law of his daughter, thus, suspects that his daughter has been killed by the accused persons, as her husband had purchased a four wheeler and used to torture his daughter for installment.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that the husband of the deceased is in custody. It is also submitted that though informant alleges that he came to know about the occurrence on 17.02.2024, but then the FIR came to be instituted on 19.02.2024, it is further submitted that it absolutely does not stand to reason that when informant had reached the place of occurrence on coming to know about the death of his daughter then why he did not institute the FIR instantly. It is also submitted that the accused persons including the informant participated in the cremation. It is next submitted that whenever any dispute arises in between the husband and the wife and occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegation. It is also submitted that no doubt the death of the deceased took place in her matrimonial home



within seven years of marriage, as such, presumption in law is against the husband of the deceased and his family members, but then all deaths are not dowry deaths.

5. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, vehemently opposes the prayer for anticipatory bail of the petitioners and submits that what is not disputed rather stands admitted is that there is a specific allegation in the FIR that the marriage of the daughter of the informant was performed with Saroj in the year 2022 and she was killed in the year 2024 i.e. within seven years of marriage. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant specifically alleges that when he came to the house of the accused persons, he did not find the dead body of his daughter. It is next submitted that no doubt all deaths, within seven years of marriage, may not be dowry deaths, but then had the dead body been sent for postmortem, in that event the cause of death could have been ascertained, but then the dead body was not sent for postmortem and was cremated, as it has been submitted by the learned counsel appearing on behalf of the petitioners that even informant participated in the cremation, but then in absence of postmortem report, it is difficult to ascertain the cause of death.



It is also submitted that it does not appear probable that the husband of the deceased alone would have cremated the dead body. It is next submitted that had the petitioners not been involved in the occurrence, in that event the dead body would have been sent for postmortem. It is next submitted that the investigation in the case is still continuing.

6. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

7. Accordingly, the instant anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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