

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50347 of 2024

Arising Out of PS. Case No.-287 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

MAHESH GUPTA SON OF SHARDA SAH VILLAGE- SIRISHIYA
BAZAR, P.S.- KUCHAIKOT, DISTT.- GOPALGANJ, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

7 19-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has filed the instant application for anticipatory bail, apprehending his arrest in a case registered for the offences punishable under Section 304B of the Indian Penal Code.

3. As per FIR, it is alleged that the deceased was married with the petitioner five years ago. After marriage the petitioner used to torture her for demand of dowry. Lastly due to illness of assault she was referred to Gorakhpur Medical College for better treatment where she died.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. The death of the



deceased was natural and now the informant wants to create the source of income by putting pressure of false case. The fact is that the deceased was pregnant of five months and at the time of occurrence she has got infection in her uterus and in the meantime due to such conditions of illness she was referred to Gorakhpur Medical College and in the way she died. Petitioner is the husband and the marriage took place in the year 2015 i.e., eight years ago. Several medical prescription show that the deceased was earlier ill and on the date of occurrence the petitioner was not present at home. As per allegation the deceased was brutally assaulted by the petitioner but as per injury report and the postmortem report no antemortem injury has been found on the body of the deceased. It is lastly submitted that the petitioner and the deceased being husband and wife were living happily and both of them never raised any complain against each other.

5. Learned APP for the State has opposed the prayer for bail and submits that the petitioner is the husband of the deceased and investigation is still going on.

6. In Para 2, 4,7,8 of the case diary the witnesses have supported the allegation of torture prior to death of the deceased. It has also come in their statement that the deceased



had informed them on mobile. As per allegation death has been caused during four year of marriage of deceased.

7. Keeping in view the specific allegation regarding the earlier torture subjected to the deceased, the prayer for bail of the petitioner stands rejected.

(S. B. Pd. Singh, J)

Prakash/-

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