

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48509 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- GAYA MUFASIL District- Gaya

Rajiv Kumar Son of Late Arun Sharma Resident of Vill- Balaji Colony, P.S.-
Mufassil, District- Gaya

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Aryan Singh, Adv
For the Opposite Party	:	Mr.Prem Kumar Jha, APP
For the Informant	:	Mr. Madhukar Anand, Adv
		Mr. Shubham Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 03-09-2025 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 connection with Muffasil P.S Case No. 09/2024 dated 05.01.2024 registered for the offence punishable u/s 304B read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant daughter mentally and physically and killed her due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner who is husband of the deceased. The petitioner neither demanded any dowry nor tortured the deceased. It is submitted that the deceased was not subjected to torture and cruelty soon before her death for or in connection with demand of dowry. Learned counsel has submitted that the petitioner is a constable in Jharkhand and he was posted at Ranchi and on the alleged date of occurrence he was in Ranchi. It is further submitted that it is a case of suicide. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State as well as 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. It is further submitted that within seven months of marriage the informant's daughter died at the matrimonial home. Learned APP for the State has relied in the case of **Santro Vs. The State of Haryana in Crl. Misc. No. M-31072 of 2012 (O&M)** wherein it is said by the Hon'ble Punjab and Haryana High Court *"even if there is plea of alibi, the same can be raised only at the stage of trial and not at the stage of anticipatory bail"*.



6. Considering the aforesaid facts and circumstances and the heinous nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner in accordance with law and on its own merits without being prejudice by this order.

7. This application stands rejected.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

