

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54064 of 2025

Arising Out of PS. Case No.-314 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Durgesh Kr. Pathak @ Durgesh Pathak S/o Uma Pathak R/o Village-
Harnathpur, P.S.- Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-08-2025

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with G.B. Nagar P.S. Case no.314 of 2024 registered for the offence punishable under sections 304B, 201 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the daughter of the informant was married to Sumit Pandey on 28.2.2023. Soon thereafter, the accused persons including the petitioner herein started to torture the informant's daughter for non-fulfillment of the demand of dowry by way of Rs.5 lacs in cash and a bullet motorcycle. The informant states that his daughter was assaulted by the accused persons, information of which was given by her



on mobile phone. The informant went to the Mahila police station and gave information about the assault on 19.8.2023. Thereafter the accused persons assured that she would not be tortured. The informant further stated that on 16.6.2024, he was informed by Navneet Pandey that his daughter had got burnt and died as a result of which they had disposed of the body. The informant states that on reaching the place of occurrence, he did not find any evidence of burning.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 22.10.2024 passed in Cr. Misc. no.69195 of 2024. The other petitioner in the said order ie the wife of the petitioner herein renewed her prayer for anticipatory bail vide Cr. Misc. no.25688 of 2025 which was allowed vide order dated 7.5.2025. As such, the instant second application for anticipatory bail on behalf of the petitioner. It is further submitted that the petitioner happens to be the brother-in-law (nandosi) of the deceased. He has no role to play in the alleged occurrence. The allegations are general and omnibus in nature and the husband of the deceased is in custody. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State.



6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, it transpires that on being tortured on an earlier occasion, the information with respect to the same had been given at the police station. The application for anticipatory bail of the petitioner was rejected earlier vide order dated 22.10.2024 (Annexure-1). So far as grant of bail to the wife of the petitioner in her second application for anticipatory bail is concerned, from the order dated 7.5.2025 (at page 19), it does not transpire that the learned Court has taken into consideration that the earlier application for anticipatory bail of the wife of the petitioner was rejected.

7. In view of the facts and circumstances of the case and the nature of allegation against the petitioner in the FIR together with the application for anticipatory bail of the petitioner having been rejected on earlier occasion, the Court is not inclined to enlarge the petitioner on anticipatory bail and the same is rejected.

8. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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