

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61127 of 2025

Arising Out of PS. Case No.-126 Year-2022 Thana- KEWATI District- Darbhanga

Md. Wasim @ Chand S/o- Abdur Rahman @ Md. Rahman Resident of
Village- Barhi tola, Uttarwari, P.S.- Keoti, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

For the Opposite Party/s : Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-09-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Keoti Police Station Case No. 126 of 2022 corresponding to G.R. No. 1199 of 2022, registered for the offences punishable under Section 304(B) of the Indian Penal Code.

3. The prosecution case, as per the First Information Report, the marriage of the informant's daughter was solemnized with the petitioner in the year 2017. It has been alleged that after the marriage, the petitioner along with his family members started demanding dowry and due to non-fulfillment of the demand, the deceased was being tortured physically and mentally. On 01.05.2025, the deceased called her



parents and informed that she was brutally assaulted by the accused persons and they were threatening to kill the informant's daughter. On 02.05.2022 the informant received an information that his daughter has been killed by the accused persons. When the informant arrived at the matrimonial home of his daughter, he saw that dead body was lying, having mark of assault on the body and the ligature mark on the neck.

4. Learned Counsel for the petitioner submits that the petitioner is the husband of the deceased and has falsely been implicated on the basis of delayed FIR inasmuch as the occurrence has taken place on 02.05.2022 but the FIR has been lodged on 05.05.2025 after the postmortem was done. He further submits that the FIR was sent to the Magistrate after a delay of four days i.e. on 09.05.2022. The very fact that the FIR has been lodged after the postmortem and delayed FIR has been lodged after postmortem and sending the FIR to the Magistrate by the police after delay of four days shows the manipulation and premeditate mind in lodging the FIR.

5. On the other hand, learned counsel for the State vehemently opposed the prayer for anticipatory bail and submits that the petitioner is husband of the deceased. There is specific allegation of demand of dowry and torture in the FIR and the



deceased has died of unnatural death within seven years of marriage in her matrimonial home. There is presumption against the petitioner under Section 113A and 113B of the Evidence Act.

6. I have heard learned counsel for the parties and perused the First Information Report. It is a case of dowry death and within seven years of marriage, the lady has died of unnatural death in her matrimonial home. In close proximity of time, there is demand of dowry as it would be evident from the FIR and the unnatural death of the deceased. The nature of death is not important whether it is suicidal, homicidal or accidental. There is a presumption under Section 113A, and 113B of the Evidence Act against the petitioner, accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail and the same is rejected

7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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