

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69846 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- RAJEPUR District- East Champaran

Ashutosh Kumar @ Ashutosh S/o Phul Kumar Sah Resident of Village -
Belahiyan, P.S. - Tariyani Chhapar, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Mr. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 12-05-2025 1. 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 Rajepur Police Station Case No. 131 of 2024,
disclosing offences under Sections 304(B), 34 of the Indian
Penal Code.

3. As per the prosecution case, on 22.06.2024, at
about 8 PM, informant's daughter (deceased) Neha Kumari,
received a call from her sasural regarding demand of Rs. 20
lakhs and a four-wheeler as dowry. Thereafter, she went inside
the room and locked herself. The informant broke the door and
went inside and saw that her daughter was vomiting. He took
her to hospital where she was declared dead. It has also been
alleged that on 21.06.2024, the petitioner and his family
members assaulted the informant's daughter brutally and she



was brought and left at her parental home at East Champaran. The marriage of the deceased was solemnized with the petitioner about two years back and there was a continuous demand of dowry from the petitioner and his family members.

4. Learned senior counsel for the petitioner submits that petitioner has falsely been implicated in this case due to oblique motive. The victim was working as a teacher and out of emotional breakdown and different reasons, she has committed suicide at her parental home. There is no evidence that any phone call was made by the side of the petitioner.

5. On the other hand, learned counsel for the informant as well as state, submits that within two years of marriage, the deceased was compelled to commit suicide due to continuous demand of dowry by the petitioner and others. One day prior to the death of the deceased on 21.06.2024, she was brutally assaulted and was brought at her parental home. The accused persons left her at her parental home and on 22.06.2024, i.e. on the date of occurrence, the deceased got a phone call from the petitioner's side demanding dowry which compelled the deceased to commit suicide. All along, she was mentally and physically tortured for demand of dowry.

6. Learned counsel for the state referring to the



case diary submits that in Para 9 and 10, witnesses has said that after receiving the phone call from the petitioner and his family members, the deceased used to start crying. There is prima facie evidence against the petitioner regarding demand of dowry and torture of the deceased by the petitioner and others.

7. I have heard learned counsel for the parties and have gone through the materials on record. Just before the occurrence on 21.06.2024, the deceased was brutally assaulted and was sent to her parental home. In close proximity of time, there is demand, torture and unnatural death of informant's daughter at her parental home within two years of her marriage. The nature of death in such case whether it is suicidal, homicidal or accidental is not important. There is presumption against the accused persons under Section 113A, 113B of the Evidence Act. The offence is serious in nature and the petitioner is husband, I am not inclined to grant the petitioner privilege of anticipatory bail.

8. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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