

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72195 of 2024

Arising Out of PS. Case No.-41 Year-2023 Thana- SIMRA District- Aurangabad

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Gautam Kumar S/o Goverdhan Mehta R/O- Anjaniya, P.O.- Khadiha
Anjaniya, P.S.- Simra, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Singh

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-01-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.
2. The petitioner seeks bail in connection with Simra P.S. Case No. 41 of 2023 registered for the offences punishable under Sections 304B and 120B of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that his cousin sister was married to the petitioner on 15.02.2023, further after marriage, dowry in form of cash and motorcycle was being demanded and on account of non-fulfillment of the demand of dowry, the victim was tortured and assaulted, further alleges that the victim was always threatened that if the demand of dowry is not fulfilled, the petitioner would get married for the second time, next alleges that the victim had



also disclosed that the petitioner was having relationship with his *bhabhi*, further on 28.11.2023 at 12:00 noon the villagers informed the informant that his sister was killed, accordingly, he reached the place of occurrence and saw the dead body of his sister lying on bed with marks of injury on the neck.

4. Learned counsel for the petitioner submits that petitioner, being husband, has been falsely implicated in the instant case by the informant. It is further submitted that father of the victim had died as such she was reeling under depression and thus committed suicide. It is also submitted that though it is alleged that petitioner was having relationship with his *bhabhi* which the victim had disclosed to the informant, but then the said allegation is in realm of allegation. It is also submitted that petitioner was not present at the place of occurrence on the date of occurrence as he works for a private company at Assam. It is further submitted that even the postmortem report discloses that on the neck V-shape mark was found which amply demonstrates that victim was not strangled to death. It is next submitted that petitioner is in custody since 25.07.2024.

5. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, opposes the prayer for bail of the petitioner and submits that petitioner is the husband and the death occurred within an



year of marriage, it is also submitted that even presuming what has been submitted by the petitioner to be true that the deceased committed suicide, in that event also the liability of the petitioner, for the present, cannot be ignored in the sense that it was his conduct which abetted the said suicide, but whether it was suicide or murder will be seen at the time of trial. The learned APP further submits that though plea of *alibi* has been taken but then there is no pleading in the bail application that as to where the petitioner was working at Assam which further casts an aspersion on the plea taken by the petitioner that he was not present at the time of occurrence on the date of occurrence.

6. Considering the submissions made by the learned APP for the State, the Court is not inclined to release the petitioner on bail.

7. Accordingly, the instant regular bail application stands rejected.

(Satyavrat Verma, J)

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