

Arising Out of PS. Case No.-41 Year-2024 Thana- GARDANIBAG District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-01-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Shri. Chandra Bhushan Prasad.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 304B 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 her daughter was married to the petitioner about six months back, further the marriage was a love marriage, next alleges that after marriage, the accused persons including the petitioner were demanding dowry of Rs. 50,000/- and a motorcycle; and for non-fulfillment of the same, the victim was tortured. It is next alleged that on 16-11-2023 at about 12.30 a.m., the petitioner made a call to the informant informing that



her daughter has consumed poison and is being taken to PMCH for treatment, accordingly the informant and the family members reached PMCH, where the doctor, after examining the victim, declared her dead.

4. The learned counsel for the petitioner next submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that petitioner and the victim were in love and thus they performed love marriage, as such question of demanding dowry does not arise. It is also submitted that after marriage, the relationship of the victim with her family including her mother deteriorated, and on the date of occurrence, her mother had come to meet her and there was some altercation in between them; and the victim in anger subsequently consumed poison. It is also submitted that had the petitioner poisoned the victim to death, in that event, he would not have called the informant nor would have taken the victim to PMCH for treatment thinking that if she survived then the petitioner would be implicated. It is submitted that if the petitioner would have been involved in the occurrence, efforts would have been made to conceal the evidence and not to take the victim to PMCH. It is also submitted that the petitioner is in custody since 20-3-2024.



5. The learned APP opposes the bail application and submits that the death took place within seven years of marriage, as such presumption in law is against the petitioner, on which the learned counsel appearing on behalf of the petitioner submits that it is not that every death is a dowry death and the same is to be adjudicated in the duly constituted trial.

6. On query of the court that as to whether charges have been framed or not, on which the learned counsel appearing on behalf of the petitioner fairly submits that charges have not been framed.

7. At this stage, the learned counsel for the petitioner seeks permission to withdraw the bail application with liberty to renew his prayer for bail after framing of charge.

8. Permission is accorded.

9. Accordingly, the instant application is dismissed as withdraw with the liberty aforesaid.

(Satyavrat Verma, J)

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