

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69028 of 2025

Arising Out of PS. Case No.-101 Year-2024 Thana- BALIYA District- Begusarai

Sikendra Kumar @ Sikendra Sah, S/o Akildev Sah, R/o Village- Ward No. 10,
Bari Ballia, Siraja, P.S.- Barki Balia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Adv. Mr. Vinod Kr. Seth, Adv.
For the State	:	Mr. Binod Kumar No. 3. Adv.
For the Informant	:	Mr. Shubhesh Pandey, Adv. Mr. Amit Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 05-12-2025 Heard Arvind Kumar, learned counsel for the petitioner, Mr. Binod Kumar No. 3, learned APP for the State and Mr. Shubhesh Pandey, learned counsel for the informant.

2. In compliance of the direction given by this Court on 21.11.2025, learned APP for the State submits the explanation affidavit filed on behalf of the Superintendent of Police, Begusarai, in the Court today and the same is perused and accepted.

3. Let the hard copy of the explanation affidavit filed on behalf of the Superintendent of Police, Begusarai, be kept on record.

4. The petitioner apprehends his arrest in connection with Ballia P.S. Case No. 101 of 2024 dated 24.03.2024



registered for the offences punishable under section 304B read with section 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

5. As per the prosecution story, the informant alleged that her sister (victim) was married to the petitioner in the year 2022 and Rs. 2 lakhs cash, 5 *bhar* gold ornaments and other household articles were given in the marriage, but even then, the petitioner and the in-laws of her sister used to torture her sister for the demand of additional two lakhs rupees and finally, her sister was killed.

6. The main submissions advanced by petitioner's counsel are that this is the second attempt of the petitioner to get the relief of anticipatory bail and his earlier prayer for the same relief was rejected by this Court vide order 11.12.2024 passed in Cr. Misc. No. 83632/2024 on account of that prayer being not maintainable and accordingly the same was dismissed but giving the petitioner a liberty to file a fresh application before the trial court, if he has sufficient reason of apprehension of his arrest. It is further submitted that on the date of alleged occurrence, the petitioner was not present at his parental house rather he was at Ludhiana where he worked as a labourer at that time and the cause of death of the deceased was opined to be



asphyxia suggesting hanging and on the dead body of the deceased, except ligature mark on upper part of the neck, no external injury was found, in fact the deceased committed suicide. It is lastly submitted that one co-accused namely, Sonia Devi @ Samia Devi, who happens to be the mother-in-law of the deceased, has been granted anticipatory bail by a co-ordinate bench of this Court vide order dated 05.08.2025 passed in Cr. Misc. No. 3785/2025 and during investigation, the senior police officer while supervising the case, opined that a case under section 306 of IPC was made out against the accused who was present at the petitioner's parental house.

7. On the other hand, learned counsel for the informant has vehemently opposed the prayer of the petitioner and submits that the petitioner is the main accused and he has been chargesheeted showing absconder.

8. Learned APP for the State has also opposed the prayer of the petitioner.

9. Heard both the sides, perused the FIR and the case diary of this case. The petitioner is the husband of the deceased. It is an admitted position that the deceased died an unnatural death within two years of her marriage, though as per the postmortem report, the cause of death has been opined as



Asphyxia as a result of the injuries mentioned in the postmortem report caused by hanging but with regard to the alleged demand of dowry as well as subjecting the deceased to cruelty, the material witnesses of the prosecution, whose statements are mentioned in the paragraph Nos. 5, 6 and 7 of the case diary, stated the petitioner's equal role in subjecting the victim to mental torture for the demand of dowry and further, the investigation has been completed showing the petitioner an absconder as appears from the paragraph No. 95 of the case diary. Considering all these facts, this Court is not inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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