

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77833 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- JAGDISHPUR District- Bhagalpur

Santosh Kumar @ Suman Yadav Son of Arun Yadav Resident of Tardiha
(Gonudham), P.S. - Jagdishpur, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saligram Prasad Son of Late Rameshwar Yadav Resident of Village -
Doiliya, P.S. - Barahat, District - Banka

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Rajive Ranjan Singh, Advocate
For the State : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-01-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 304B and 34 of the Indian Penal Code.

3. It is a case of dowry death. As per prosecution case, marriage of daughter of informant was solemnized with this petitioner on 02.07.2023. It is alleged that after some time of marriage, this petitioner, along with other accused persons named in the F.I.R., subjected daughter of informant to cruelty and harassment due to non-fulfillment of demand of dowry and on 15.05.2024, informant got information that his daughter has died. Informant alleges that this petitioner, along with other



accused persons named in the F.I.R., assaulted his daughter due to which she committed suicide.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case merely because he happens to be husband of the deceased. As a matter of fact, at no point of time, this petitioner demanded any dowry or subjected the deceased to cruelty and harassment. At the time of death of deceased, petitioner, being a home guard, was on election duty and was not present at the place of occurrence. It is further submitted that out of frustration, the deceased herself committed suicide. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is husband of the deceased who died unnatural death at her matrimonial house within 7 years of marriage. It is further submitted that from bare perusal of the *post mortem* report it is apparent that doctor has found that dried blood was present over mouth, ears and nostrils of the deceased and Injury No. 1 was *ante mortem* and dangerous to life in ordinary course and caused by pressure and compression of neck by ligature material after suspending the



body. Cause of death has been found to be asphyxia and venous congestion due to *ante mortem* hanging.

6. Considering the aforesaid facts and circumstances, nature of accusation and the fact that the deceased died an unnatural death at her matrimonial house within 7 years of he marriage, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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