

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77503 of 2025

Arising Out of PS. Case No.-388 Year-2025 Thana- MADHAURAH District- Saran

Md. Nashim @ Nasim Alam Son of Late Makbul Miya @ Makbool Ansari
R/o Village- Tejpurwa, Police Station - Marhaurah, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 23-12-2025 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 Marhaurah Police Station Case No. 338 of 2025, dated 19.05.2025, disclosing offences under Sections 80(2) of the Bhartiya Nyaya Sanhita.
3. That the prosecution case, as per the First Information Report, is that the marriage of informant's niece, namely, Nusrat Parveen was solemnized with the petitioner on 12.11.2024, and within a week of the marriage, her husband and in-laws started demanding Rs. 5,00,000/- as dowry. Upon non-fulfillment of demand of dowry, the informant's niece was assaulted mentally and physically was and treated like a maid. It is further alleged that on



18.05.2025, when the informant tried to contact her niece, her mobile phone was found switched off. When the informant went to her matrimonial home, he found that co-accused Makbulan Bibi was sitting outside, who informed the informant that her niece had suffered a heart attack. Upon entering the house, the informant found her niece lying dead on the bed with froth coming out from her mouth. It is lastly alleged that deceased was killed by her husband and in-laws by strangulation.

4. Learned counsel for the petitioner submits that the petitioner is husband of the deceased. He next submits that deceased has committed suicide and cause of death is by Asphyxia due to hanging as would be evident from post-mortem report. He further submits that at the time of occurrence the petitioner was not present at the place of occurrence.
5. I have heard learned counsel for the parties and have perused the materials available on record.
6. From perusal of the impugned order, it appears that within one year of marriage the deceased died in her matrimonial home. There is allegation of demand of dowry and torture prior to the death of the deceased. The



nature of the death is not important whether it is homicidal, suicidal or accidental, but the fact is that deceased died an unnatural death within one year of her marriage in her matrimonial home. There is presumption against the accused persons under Section 117 and 118 of the Bharatiya Sakshya Adhiniyam, 2023. The petitioner is husband of the deceased and allegation is of dowry death.

7. Considering the aforesaid and nature of allegation, I am not inclined to grant the petitioner the privilege of anticipatory bail.
8. This bail application is, accordingly, rejected.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

