

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82726 of 2024

Arising Out of PS. Case No.-277 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

Pradeep Kumar Son of Umesh Sah Resident of Village - Chandrahiya, P.S. -
Muffasil Motihari, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Kumari Anjali
For the State	:	Mr. Nawal Kishore Prsad
For the informant	:	Mr. Niafisuzzoha
		Ms. Sabina Talhat

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 317-01-2025
1. Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor representing the State.

2. The petitioner seeks regular bail in connection with Mufassil Police Station Case No. 277 of 2024, dated 12.06.2024, registered for the offences punishable under Sections 302/304-B/120-B/201/34 of the Indian Penal Code.

3. The prosecution case, as per the First Informant Report, is that the marriage of the informant's daughter (now, deceased) and the petitioner was solemnized on 13.12.2023 and soon thereafter, the accused persons, including the petitioner, started demanding one bullet



motorcycle by way of dowry and due to non-fulfillment of the said demand, they used to torture the deceased. On 11.06.2024, at about 06 PM, one Chandan Sah informed the informant that the accused persons have killed the deceased and disposed her dead body.

4. Learned Counsel for the petitioner submits that the petitioner, who is the husband of the deceased, is innocent and has falsely been implicated in this case. He further submits that the deceased was suffering from diarrhoea and was admitted in Nilkanth Hospital, where the doctor referred her for treatment to the PMCH and on the way to PMCH, the deceased died. He further submits that the allegation against the petitioner is general and omnibus in nature and he is in custody since 18.06.2024.
5. On the other hand, learned Additional Public Prosecutor and the informant vehemently oppose the prayer for bail and submits that within six months of the marriage, the deceased was killed by her in-laws and the petitioner for demand of dowry. From perusal of the First Information Report, it would be evident that while the deceased was being taken to the hospital by ambulance, in the mid-way, accused persons changed the vehicle, kept the deceased in



a Bolero vehicle and hastily cremated the dead body. It is further submitted that from Annexure-2, which is the prescription of Nilkanth Hospital, it appears that the deceased was having ligature mark on her neck; whereas the petitioner has taken a defence that she was suffering from diarrhoea.

6. I have heard learned counsel for the parties and have gone through the materials on record including the impugned order.
7. Within six months of the marriage, the informant's daughter died an unnatural death in her matrimonial home. In close proximity of time, there is demand of dowry, torture and death of the informant's daughter. The nature of death is not important whether it is natural, suicidal or accidental but the fact of the matter is that deceased died an unnatural death in her matrimonial home. There is a presumption against the accused persons under Sections 113-A and 113-B of the Evidence Act. The offence is serious in nature and the punishment thereof is also serious.
8. Accordingly, I am not inclined to grant regular bail to the petitioner at this stage.



9. This application is, accordingly, dismissed.
10. However, the petitioner may renew his prayer for regular bail after one year from today if the trial does not show any substantial progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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