

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83543 of 2024

Arising Out of PS. Case No.-402 Year-2024 Thana- MASHRAK District- Saran

Nilesh Kumar Goshwami S/O Nagendra Goshwami Resident of Village-
Khajuri, P.S- Mashrakh, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Kamlesh Kumar, Advocate
For the State : Mr. Ram Naresh Ray, APP
For the Informant : Mr. Anjani Parashar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 304B, 498A and 34 of the Indian Penal Code.

3. It is a case of dowry death. The prosecution case, in brief, is that daughter of the informant was married with this petitioner on 05.06.2023. It is alleged that after one year of marriage, all the accused persons named in the F.I.R., including this petitioner, started demanding dowry and in the meantime, daughter of informant got pregnant and thereafter, all the accused persons started assaulting her as a result of which, on 07.04.2024, daughter of informant died due to abdominal pain.

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. At no point of time, this petitioner demanded any dowry or subjected the deceased to cruelty and harassment. Petitioner had no occasion to torture or assault the deceased as he is in Army and always kept the deceased with full honour and dignity. Allegation of assault is not corroborated in the *post mortem* report as no external or internal injury was found on the body of the deceased. As a matter of fact, the deceased died due to complications in the advanced stage of pregnancy. As per F.I.R., date of occurrence is said to be 05.04.2024 whereas the complain case has been filed on 27.04.2024 and F.I.R. has been lodged on 30.06.2024 after inordinate delay of 22 to 60 days and there is no plausible explanation for the same. Prior to filing of the present case, petitioner has already filed Mashrakh U.D. P.S. Case No. 6 of 2024 on 08.04.2024 for the same occurrence. 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.

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 the marriage, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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