

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87791 of 2024

Arising Out of PS. Case No.-737 Year-2023 Thana- SAHPUR District- Patna

Munna Rai @ Rohit Kumar Son of Late Lalan Ray Resident of Village - Kali
Ashtan Mathiyapur, Akaluchak, P.S. - Shahpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary
For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-01-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 365, 498(A)/34, 302, 201
and 120(B) of the Indian Penal Code as well as Sections 3 and 4
of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that her daughter about ten years back was married to
the petitioner and after marriage the accused persons including
the petitioner started demanding Rs. 2 lakhs by way of
additional dowry and on account of non-fulfillment of the
demand, the victim was tortured and assaulted, hence, her
daughter called and requested her to take her back to her



parental home, as such the victim was brought back to her parental home where she gave birth to a child. It is further alleged that on 23.11.2023, petitioner came and requested the victim to accompany him for shopping with a condition that he will drop her back to her parental home, but when the victim did not return, the informant called the petitioner who said that they will come within an hour after buying clothes, but the victim did not return till 10:00 PM and even the mobile of the petitioner was switched off, accordingly, the next day informant went to the house of the petitioner and found that the house was locked and no one was present in the house.

4. Learned counsel for the petitioner submits that petitioner is in custody since 06.02.2024 and has been falsely implicated in the instant case being the husband of the victim, it is next submitted that initially the case was instituted under Section 365, 498A and 34 of the IPC read with Sections 3 and 4 of the Dowry Prohibition Act, but during the course of investigation, Sections 302, 201 and 120B of the IPC were also added. It is next submitted that during the course of investigation, the police apprehended the petitioner and made him confess that petitioner took the victim along with himself in the name of shopping and later killed her and threw her body in



the Gangas. It is next submitted that till date the body of the victim has not been recovered, but still the police merely on the basis of confessional statement of the petitioner has added Section 302 of the IPC. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the marriage was ten years old, but then in these ten years, no case ever came to be instituted either by the informant or the victim alleging torture against the petitioner and his family members. It is further submitted that on account of dispute, the victim had left her matrimonial home and had gone back to her parental home, as such, it does not appear probable that the informant and his family members would have allowed the victim to accompany the petitioner in the name of shopping.

5. The learned APP for the State opposes the bail application of the petitioner and submits that there is specific allegation against the petitioner that he came to the parental home of the victim and took her on the pretext of shopping and thereafter the victim never came back, as such, there is a presumption against the petitioner that the victim before becoming traceless, was with the petitioner. It is also submitted that since the petitioner himself has confessed that he had killed his wife and thrown her dead body in the Gangas, as such, it is



not a fit case for grant of bail.

6. Accordingly, the instant regular bail application stands rejected.

(Satyavrat Verma, J)

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