IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63341 of 2026

CNR No. BRHC010863122026

Arising Out of PS. Case No.-13 Year-2026 Thana- KATEYA District- Gopalganj

==========

KUNDAN SINGH @ KUNDAN KUMAR SINGH @ RAHUL SINGH Son of Ram Sagar Singh Resident of Village- Chautarwan, P.O.- Kalyanpur, P.S.- Kateya, District- Gopalganj.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :

For the Petitioner/s	:	Mr. Raju Giri, Sr. Adv.
	:	Mr. Harsh Vardhan, Adv.
	:	Mr. Harsh Raj, Adv.
	:	Mr. Rahul Kumar, Adv.
For the Opposite Party/s	:	Ms. Asha Kumari, APP
	:	Mr. Shubhesh Pandey, Adv.
	:	Mr. Amit Kumar Mishra, Adv.

==========

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 05-11-2026 1. Heard learned senior counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 80, 238 and 3(5) of the Bharatiya Nyaya Sanhita.

3. Learned senior counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 27.12.2025 her husband visited the deceased (daughter of the informant) matrimonial home where deceased disclosed that she was threatened with death if a bullet motorcycle was not given in dowry, hence her husband asked

WEB COPY

the accused persons who said that she would be killed if demand was not met. It is next alleged that on 28.12.2025 at about 3:00 PM, deceased called and disclosed she was being assaulted by her husband, in-laws, brother in law and sister-in-law for dowry and requested to come and take her away, next morning when informant and her husband reached the place of occurrence, the dead body of the deceased was found lying. It is alleged that deceased was assaulted and strangulated to death in the night of 28.12.2025 for non-fulfillment of demand of dowry and the accused persons had concealed the dead body with an intent to conceal the evidence.

4. Learned senior counsel for the petitioner submits that petitioner being husband has been falsely implicated in the instant case by the informant. It is next submitted that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion. It is further submitted that the deceased is daughter of the informant and she was married to the petitioner on 09.12.2025 and died on 29.12.2025 on account of heart attack. It is next submitted that from perusal of Annexure-2A to the anticipatory bail application, it would manifest that the same is an application of the father of the deceased addressed to the SHO that he does not intend to get the

WEB COPY

postmortem of the dead body conducted. It is thus submitted that since the father of the deceased was not interested in getting the postmortem of his daughter done hence, the dead body was handed over to him and he cremated the same and thereafter on 07.01.2026, the instant FIR came to be instituted by the mother of the deceased.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant vehemently oppose the prayer for anticipatory bail of the petitioner.

6. The learned counsel appearing on behalf of the informant submits that death of the daughter of the informant took place within 20 days of the marriage with the petitioner, on which the learned APP submits that presumption in law is also against the petitioner and his family members.

7. The learned counsel appearing on behalf of the informant vehemently disputes Annexure-2A to the anticipatory bail application. It is next submitted that from perusal of Annexure-2A to the anticipatory bail application, it would manifest that the same is an application of the father of the deceased addressed to the SHO of the concerned PS dated 02.01.2026 when the daughter of the informant died on 29.12.2025. It is thus submitted that where was the dead body of

WEB COPY

the daughter of the informant from 29.12.2025 to 02.01.2026.

8. On query of the court from the learned senior counsel appearing on behalf of the petitioner that how the said submission of the learned counsel appearing on behalf of the informant is countered, on which the learned senior counsel appearing on behalf of the petitioner is not in a position to reply the said submission of the learned counsel appearing on behalf of the informant. The learned counsel for the informant next submits that the dead body was cremated by the accused persons.

9. The learned counsel appearing on behalf of the informant next submits that after killing the daughter of the informant, the dead body was concealed and cremated. It is next submitted had the deceased died a natural death, in that event, the petitioner and his family members would have obtained a death certificate from the doctor and in such a case postmortem was not required, but then from perusal of the allegations as alleged in the FIR, it would manifest that informant specifically alleges that dowry was being demanded and for non-fulfillment of the demand, the victim was being tortured and ultimately she was killed on 29.12.2025.

10. The learned counsel appearing on behalf of

WEB COPY

the informant further submits that process under Section 82 of Cr.P.C. has been issued against the petitioner, on which the learned senior counsel submits that the process issued under Section 82 of Cr.P.C. has been stayed by the learned District Court, on which the learned APP submits that since process under Section 82 of Cr.P.C. was issued that amply demonstrates that petitioner was absconding but since it has been stayed by the learned District Court, hence no argument on merit is being made, but then it is submitted that for arresting the petitioner, process under Section 82 of Cr.P.C. was not necessary since offence is cognizable.

11. After hearing the learned counsel for the parties and taking into consideration the submissions made by the learned counsel appearing on behalf of the informant and the learned APP, the court is not inclined to extend the privilege of anticipatory bail to the petitioner.

12. **Accordingly, the application stands rejected.**

(Satyavrat Verma, J)

rajesh/-

U		T	

WEB COPY