

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72049 of 2025

Arising Out of PS. Case No.-74 Year-2024 Thana- DERNI BAZAR District- Saran

Deepak Bhagat @ Dipak Kumar S/o Harkeshwar Bhagat R/o Village-
Pattishital, P.s.- Derni, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-02-2026 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304(B), 498(A) and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that his daughter was married to Abhinandan on 21.11.2019, after marriage, the accused persons were demanding dowry of Rs. 2 lakhs and a motorcycle and for nonfulfillment of the demand, the victim was abused and tortured, it is further alleged that on 12.04.2024 at 12:40 P.M., the accused persons strangled the victim to death.
4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has been falsely implicated in the instant case by the informant, it is next submitted that the informant is not an eye-witness to the occurrence, as such, the entire allegation that, petitioner was also involved in the occurrence of strangulating the deceased to death, hinges around suspicion. It is next submitted that had petitioner been involved in the occurrence along with his family members, in that event, efforts would have been made to dispose of the dead body with a view to conceal the evidence, but then the dead body was sent for postmortem for ascertaining the cause of death. It is also submitted that the deceased committed suicide. It is further submitted that the marriage of the deceased with Abhinandan was performed on 21.11.2019 and the F.I.R. came to be instituted in the year 2024, i.e., after five years of marriage. It is next submitted that no doubt the death of the victim occurred within seven years of marriage, as such presumption in law is against the husband of the deceased and his family members, but then it is submitted that since the dead body was sent for postmortem, it amply demonstrates that no efforts were made to conceal the evidence. It is also submitted that in between five years of marriage, no case ever came to be instituted alleging that accused persons including the petitioner were demanding



dowry and for non-fulfillment of the same, the victim was tortured. It is next submitted that whenever any dispute arises in between the husband and the wife and the occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegations. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence. It is next submitted that Shail Kumari Devi, mother-in-law of the deceased, had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 51911 of 2025 and the same came to be allowed by an order dated 01.09.2025.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Derni P.S. Case No. 74 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.



7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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