

In the Court of Additional Sessions Judge-V, Danapur
Session Trial No. 982 of 2022
(Arising out of Bihta P.S. Case No. 443 of 2022)

08.12.2022

The bail petition filed on 01.12.2022 on behalf of the accused-petitioner namely Sunny Kumar @ Lukky Kumar, son of late Sanoj Singh, R/o Village-Ghoddaur, P.S. Punpun, District-Patna has been pressed today. A copy of the bail petition has already been served to the learned Addl. P.P.

The petitioner is in judicial custody since 23.05.2022 in connection with Bihta P.S. Case No. 443 of 2022 for the offence under Section **304(B)/34 of I.P.C.**

Heard Sri Deovind Kumar on behalf of the accused-petitioner and learned Addl. P.P. on behalf of the State.

The prosecution case, in brief, is that an F.I.R. has been lodged on the written complaint of the informant Rajiv Ranjan, who is the father of the deceased alleging that his daughter Riya Kumari was married with Sunny Kumar @ Lucky Kumar before three months, but soon after the marriage his daughter was subjected to cruelty due to non-fulfillment of demand of dowry by her in-laws family members including this accused-petitioner. Informant further alleged that on 09.05.2022 at 12:00 in the night, when the whole family had gone to a wedding, accused-petitioner Sunny @ Lucky Kumar, after getting a chance alone, strangled his daughter Riya Kumari to death by sprinkling petrol and burning her in his own house and fled away.

The learned counsel for the accused-petitioner submitted that the petitioner is innocent and has committed no offence. On 23.05.2022 the petitioner surrender before the learned court below and since then he is in judicial custody. The allegation for demanding Rs. Five lakhs as dowry is totally false and this story has been created with intention to implicate the petitioner in this case of dowry death. During the whole investigation, no independent witness has been examined by the investigating officer, whenever the alleged occurrence took place at the house of the informant and only on the basis of the evidence of the informant, his wife and his one nephew, the charge-sheet has been submitted by the I.O. the petitioner has no criminal antecedent. The petitioner has no criminal antecedent. The petitioner never filed any regular or anticipatory bail application, before the learned Sessions Judge, Patna, in connection with this case.

Learned Addl. P.P. vehemently opposed the prayer of bail and submitted that this is a case of dowry death. The allegation is serious in nature.

I have heard the rival submissions of both the parties and perused the case record. The petitioner is named in the FIR. The allegation against him is to torture and assault the deceased for non-fulfillment of demand of dowry and burnt the deceased by pouring kerosene oil on her body. Para 2, 4, 7, 8 of the case diary the witnesses have supported the prosecution case. This is a case of dowry death. The deceased died within seven years of her matrimonial home. As per Para 3 of the bail petition the petitioner has no criminal antecedent. The case is at the stage of framing

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of charge. Considering the facts and circumstances of the case, the nature of allegation as alleged against the petitioner and the stage of the case, I am not inclined to enlarge the petitioner/accused on bail. Accordingly, the bail petition of the petitioner is hereby **rejected**.

Any observation made herein will be inconsequential during trial or any further stage of the case.

(Dictated)

Sd/-

Additional Sessions Judge-V
Danapur
08.12.2022