

DISTRICT-PATNA
IN THE COURT OF ADDITIONAL SESSIONS JUDGE-VI, DANAPUR

Present- Sri Sunil Kumar III
Addl. Sessions Judge-VI,Danapur.
Date of Judgment: 16th Day of June,2026

In Ref:- Sessions Trial No. 1437/2022
CNR No.BRPA010201602022
F.I.R. No. 65/2022, G.R. No. 221/2022
P.S. Bihta
u/s. 304B/302/34 IPC

FORM-A

Complainant/Prosecution	State of Bihar
Represented By	Md. Kalam Ansari, Ld. Addl. Public Prosecutor
Accused persons	Laxman Sao aged about 26 Yrs.....A1 S/o Late Raju Sao R/O Vill.- Deokuli, P.S. Bihta, Distt. Patna
Represented By	Ld. Cl. Sri Pramod Ranjan, Advocate.

FORM-B

Date of Offence	23.01.2022
Date of FIR	23.01.2022
Date of Charge-sheet/Final Report	11.11.2022
Date of Framing of Charges	20.07.2023
Date of Commencement of Evidence	12.03.2024
Date on which the judgment is reserved	08.06.2026
Date of Judgment	16.06.2026
Date of sentencing order, if any	23.06.2026

Accused Detail:

Rank of the Accused	Name of the accused	Date of arrest/ surrender	Date of release on bail	Offences charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone during trial for the purpose of section 428 Cr.p.c
A1	Laxman Sao	18.08.2022	Still in J/C	u/s 304B/302/34 IPC	Convicted u/s 304B IPC	The case is fixed for hearing on sentence on 23.06.2026	3 years 9 months 30 days

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Dharmender Kumar	Son of the informant(Brother of the deceased Shobha Devi)
PW2	Baijanti Devi	Wife of the Informant(Mother of the deceased Shobha Devi)
PW3	Taramani Devi	Sister in law of the informant(Aunt of the deceased Shobha Devi)
PW4	Manohar Sao	Informant(Father of the deceased Shobha Devi)
PW5	Minta Devi	Neighbor of the deceased Shobha Devi
PW6	Gauna Devi	Neighbor of the deceased Shobha Devi
PW7	Dr. Rakesh Kumar	Medical Officer who conducted post mortem of the body of deceased.
PW8	Awdhesh Kumar	Investigating Officer(Police Witness)
PW9	Sunny Kumar	Brother of the deceased Shobha Devi

B- Defence Witnesses, if any:

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	Babita Kumari	Neighbour of the accused (Other witness)

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sl. No.	Exhibit Number	Description
1	Ext.1	Post Mortem Report
2	Ext.2	Endorsement made on the application of the informant
3	Ext.3	Charge Sheet
4	Ext.4	Formal FIR
5	Ext.5	signature of the witness Sunny Kumar on Panchnama (Ext.6)
6	Ext.6	Panchayatnama dt. 21.11.2021 reduced in writing on Non Judicial Stamp Paper of denomination of Rs.500/-

B . Defence

Sl. No.	Exhibit Number	Description
<u>1</u>	<u>Ext.A</u>	Photograph
<u>2</u>	<u>Ext.B</u>	Medical Prscription No. E189 dt. 18.01.2022 issued from PHC Bihta,In the name of Shobha Devi

JUDGMENT

1. That the accused rank A1 is facing trial for the offence punishable u/s **304(B)/302/34 IPC**. This case has been arisen of the Bihta PS case No. 65/2022 dated 23.01.2022 registered u/s **304(B)/302/34 IPC**_on the basis of *an* application of the informant **Manohar Sao**. The offence alleged to have been taken place on 22.01.2022 in the **village Devkuli Vintoli, P.S. Bihta, Distt. Patna**.

PROSECUTION's STORY

2. The case of the prosecution in brief is that the daughter of informant Shobha Devi was married to Lakshman Sao i.e accused A1 herein, and in the marriage, the informant gave rupees 1 lakh in cash, one Pulsar motorcycle and jewellery of worth of rupees one lakh etc, but in spite thereto, his daughter was subjected to cruelty for the demand of dowry. The informant further stated that on several occasions, he tried to conciliate & sort out the matter but he was usually threatened to be killed. The informant further stated that his daughter was subjected with cruelty by her husband Lakshaman Sao i.e applicant accused A1 herein, his mother, his sister Rinki Devi, his maternal uncle Chhotu Sao, his maternal aunt Sunaina Devi and one Bhim Sao and he

further stated that his daughter was killed on 22.01.2022 after designing a conspiracy and thereafter at 11:30 PM, the informant was informed by them that his daughter died due to acute pain in her stomach.

PROCEDURAL HISTORY

3. **On completion of** the investigation, the police submitted police report u/s **304B/302/34 IPC** against the accused A1 herein and kept the investigation pending against the rest accused persons. Thereafter, the Ld. ACJM-I, Danapur, vide order dt. 15.11.2022 took the cognizance of the offence u/s 304B/302/34 IPC against the accused A1 herein, and thereafter the police papers were supplied to him and the case was committed to the Court of Sessions on 16.11.2022. The record was received in Sessions court on 26.11.2022 where this case was numbered as **Sessions Trial Case No. 1437/2022**. Thereafter on hearing the prosecution as well as the accused herein, the Court vide its order dated 20.07.2023 framed the charge against the accused persons A1 herein, for the offence punishable under u/s 304B/302/34 IPC to which he pleaded not guilty and claimed trial.

EVIDENCE OF PROSECUTION

4. **During the course** of trial the prosecution altogether examined nine witnesses such as the PW1-Dharmendra Kumar, PW2-Baijanti Devi, PW3- Taramani Devi, PW 4- Manohar Sao i.e the informant, PW5-Minta Devi, PW6-Gauna Devi, PW7-Dr. Rakesh Kumar, PW8-Awdhesh Kumar i.e the Investigating Officer of the case and PW9-Sunny Kumar.

The prosecution also adduced documentary evidence such as Ext.1 is the post-mortem report, Ext. 2 is the endorsement made on the application of the informant regarding registration of case and handing over the investigation, Ext. 3 is charge sheet, Ext. 4 is formal FIR, Ext. 5 is the Signature of the witness PW- 9 Sunny Kumar on Panchnama, Ext. 6 is Panchnama dated 21.11.2021.

EXAMINATION OF THE ACCUSED AND HIS EVIDENCE

5. **After closing the prosecution's** evidence the accused A1 herein, was examined in the light of the section 313 Cr.P.C. Thereafter, the accused A1 examined one witness DW1-Babita Kumari. He also adduced some documentary evidence as Ext. A is the photograph and Ext. B is the prescription number E- 189 dated 18.12.2022 issued from PHC Bihta, in the name of Shobha Devi.

POINT OF DETERMINATION

6. **The point of determination** before the court is whether the prosecution has been able enough to bring home the charges against the accused A1 herein beyond the reasonable doubts or not ?

ARGUMENTS ON BEHALF OF THE STATE

7. **Ld. Addl. Public Prosecutor** argued that the prosecution has proved its case beyond all reasonable doubts as all the examined witnesses of the prosecution supported the case of the prosecution and their evidence are under corroboration and they proved the date of occurrence, place of occurrence and also the manner of occurrence coupled with motive of the occurrence. He further submitted that the documentary evidence as adduced by the prosecution supported by corroborated with the medical evidence i.e the post-mortem report Ext. 1 prove the charges as levelled against the accused A1 herein, and the Ld. Addl. PP for the state further submitted that the accused deserves to be convicted and punished for offence as charged.

ARGUMENTS ON BEHALF OF THE ACCUSED

8. **Ld. Counsel for the accused** submitted that there are material contradictions in the evidence of the examined witnesses and the prosecution is failed to establish the place of occurrence as well as the manner of occurrence. The Ld. Counsel also argued on the point that the accused was not present at the place of occurrence when the occurrence took place. The Ld. Counsel for the accused argued on the point that the deceased Shobha Devi delivered a baby some days before of the alleged occurrence and her death was due to post complication of the delivery and the Ld. Counsel also relied upon the document which is a panchnama (Ext. 6) which does not have any recital regarding the demand of dowry. The Ld. Counsel also relied upon document (Ext. B) which is a prescription dated 18.01.2022 issued from PHC Bihta, that shows that the death of the deceased was due to post complication of the delivery as she was admitted in the hospital. The Ld. Counsel for the accused further stated that the witness PW 6 stated that the last rites and funeral ceremony was performed by the accused Lakshman Sao being the husband of the deceased as also shown in photograph (Ext.A) and he further stated that there is a contradiction in the testimonies of the witnesses on the point of post delivery discharge of the deceased Shobha Devi and for the said reason Ld. Counsel for the applicant accused submitted that the prosecution is failed to establish the charges against the accused A1 herein, and thus he prayed for the acquittal of the accused A1 herein.

FINDINGS

PROSECUTION'S EVIDENCE

9. **PW1-Dharmendra Kumar who is son** of the informant and he deposed that his sister Shobha Devi was married to Lakshman Sao on 28.04.2021 and in the said marriage a Pulsar motorcycle and cash of rupees of one lakh and jewellery was given but his sister was subjected to cruelty by her in laws and she was also intimidated to be killed for the non-fulfillment of the dowry and they demanded ₹ 50,000/- and she was subjected to the cruelty by Lakshman Sao i.e the accused A1 herein, and also by other persons Bhim Sao, Gita Devi, Sunaina Devi, Chhotu Sao and Rinki Devi and once a

case was also instituted in relation to the cruelty upon which in laws made a compromise where they assured that there would be no problem in future. He further deposed that on 22.01.2022 at about 12:00 mid night, his sister was killed by them and thereafter, upon an information, he along with other persons went to the maternal home of and they found that the accused persons were absconded and he saw a black mark on the neck of his sister and thereafter, the matter was reported to the police and then the police brought the dead body of his sister to the police station and thereafter, inquest report was prepared. In cross examination, he stated that he did not know as to how much land was belonging to the accused and during the marriage of his sister some of the money was withdrawn from the bank accounts and some money was taken on loan. He further stated that his sister gave birth to a baby girl 1½ months before the alleged occurrence. He further stated that he reached at the place of occurrence, he saw a mark on her neck and her mouth became red.

The witness PW2-Baijanti Devi deposed that the deceased Shobha Kumari was her daughter and she was married to Lakshman Sao i.e the accused A1 herein, and in her matrimonial home she was subjected to cruelty for demand of rupees 50,000 by her husband, her mother and her brother in law and for the said reason a panchayati was also made and a panchyatnama was reduced in writing and the in- laws of her daughter promised and assured to keep her daughter lovingly, respectfully and they took her to matrimonial home and thereafter, one day, she got information that her daughter was dead.

The witness PW3-Taramani Devi also deposed regarding the allegation of cruelty done by accused A1 herein, along with her family members for the demand of ₹ 50,000/- and also regarding the *panchayat* held to sort out the matter where her in-laws assured and promised to keep the deceased Shobha Devi with full respect and thereafter, on the alleged date of occurrence they got an information that Shobha Devi is dead. In cross examination, she stated that she did not see the occurrence and she also stated that she did not know as to where the *panchayat* was held and in regarding to the alleged assault, no complaint was given by Shobha Devi in that regard.

The witness PW4-Manohar Sao who is the informant of this case and he deposed that Shobha Devi was his daughter and she was married to Lakshman Sao on 28.04.2021 and he gifted rupees one lakh, a two wheeler vehicle, golden chain and other domestic goods in the said marriage but after the 15 days of her marriage, the accused Lakshman Sao started demanding ₹ 50,000/- as dowry. He further deposed that Bhim Sao who is the brother in law (*Bahnoi*) of the accused Lakshman Sao instigated and provoked him for such demand and thereafter, the family members of the accused Lakshman Sao left Shobha Devi at her parental house and thereafter, the matter was sorted out in the *panchayat* and thereafter, for the said incident the matter was reported at Bihta police station for which the relative of the accused and the *panches* of the village held a *panchayat* where the accused Lakshman Sao assured that he would not give any chance of complaint in future and then a *panchayatnama* was

reduced in writing and thereafter, his daughter was taken to her matrimonial home but 2 – 4 days before of the 26.01.2022, he got an information that his daughter not in a position to speak and thereafter, he got an information that his daughter was dead and then he reached at her matrimonial home and found that her daughter bears black spot/mark on her neck and all the accused persons were absconded somewhere and thereafter, he reported matter to the Bihta police station and then the police took the dead body of his daughter to the police station where the inquest report of the dead body was prepared and then her dead body was sent to the post-mortem examination.

The witness PW5- Minta Devi who is the villager and neighbour of the accused Lakshman Sao deposed that the deceased Shobha Devi was her neighbour and she suffered with a pain in her stomach and then her mother-in-law administered her the painkiller medicine and Minta Devi told her that she was going to call Bhagat but her daughter-in-law Shobha Devi died prior to her returning and thereafter, Gita Devi informed her son Lakshman Sao and then he informed on telephone to his in-laws upon which the father and other relative of Shobha Devi reached there and they committed *marpit* with them and they made allegations that the daughter of the informant was killed by her in-laws. In cross examination, she stated that two days before of the alleged occurrence Shobha Devi gave birth to a baby girl in the hospital and the accused Lakshman Sao used to take his wife to doctor properly for a check-up and the relative from maternal side of Shobha Devi were also came to see the baby girl. She further stated that all the rituals and funeral ceremony were performed by the in-laws of Shobha Devi and accused Lakshman Sao used to give every information regarding the sickness of Shobha Devi.

PW6- Gauna Devi also stated that Shobha Devi suffered with a pain in her stomach upon which her mother-in-law went to bring a vehicle for taking her to the hospital but Shobha Devi died prior to returning of her mother-in-law and thereafter, Lakshman Sao informed her parents.

PW9- Sunny Kumar who is the brother of the deceased Shobha Devi also deposed regarding the demand of dowry from his sister in her matrimonial home by her in-laws and she was also subjected to cruelty for non-fulfillment of demand of money and once a *panchayat* was also held and where *panchayatnama* was reduced in writing, he identified his signature as Ext. 5 on the said *panchayatnama* and he also identified the said *panchayatnama* dated 21.11.2021 (Ext. 6) and he further deposed that after the said *panchayat*, his sister went to her matrimonial home where his sister was killed by her husband Lakshman Sao and his family members. In cross examination, he stated that there was a dispute occurred after the marriage of his sister but no dispute was occurred before him. He also stated that once a written application was made to the Bihta police station regarding the assault was being done to his sister and he stated that after one month of the delivery of a baby girl, his sister died. He further stated that the occurrence took place on 22.01.2022.

10. PW7-Dr. Rakesh Kumar conducted the post-mortem examination on 23.01.2022 of the body of the deceased Shobha Devi and during the said post-mortem examination, he found on external examination of the body that there was abrasion over left forearm and both side of mandibular region, two large oval shape mark were present and abrasion over both side of neck were also present. He also found bruises over face and neck. The Medical Officer further deposed that on internal examination, after opening of the neck laryngeal bone was broken and hyoid bone. After opening of the chest both side of lung were congested, after opening of heart right chamber was filled with blood and left chamber was empty and the brain matter was also congested and he opined the death was caused due to the Asphyxia causing cardio pulmonary after throttling within 24 hours. This witness PW7 also deposed that he prepared the post-mortem examination report in his pen and signature and the medical board comprising him and Dr. Ajay Kumar and Dr. Awdhesh Kumar and he identified the post-mortem report as Ext. 1.

The witness PW8- Awdhesh Kumar who is the Investigating Officer of this case and he identified the signature of Ritu Raj of the then officer in-charge of the police station Bihta who made order of investigation vide an endorsement (Ext. 2) and thereafter, he took the charge of the investigation of this case on 23.01.2022 and thereafter, he went to the village Sadisopur and recorded the further statement of the informant Manohar Sao and the informant handed over a copy of *panchayatnama* to him and thereafter, he recorded the statement of witnesses Baijanti Devi, Taramani Devi and Dharmendra Kumar and thereafter, he went to the place of occurrence and inspected the place of occurrence and he also recorded the statements of the witnesses Minta Devi and Gauna Devi and thereafter, he arrested the accused Lakshman Sao i.e the accused A1 herein, and collected the inquest report of the body of the deceased and thereafter, he submitted the police report (charge sheet) u/s 304(B)/302/34 IPC and he identified chargesheet as (Ext. 3). He further deposed that the clerk of the police station filled the FIR upon which he identified the signature of Ritu Raj the then officer in-charge of the police station. The FIR is marked as Ext. 4. In cross examination, he stated that after taking the charge of the investigation, he inspected the place of occurrence and recorded the statements of the informant and of the witnesses. He further stated that he did not get any opportunity to see the dead body of the deceased.

Evidence Of Defence:-

11. The only defence witness PW1- Babita Kumari who is Asha worker at PHC Bihta, was examined who is the resident of village Devkali as of the accused A1 herein. She deposed that Shobha Devi was suffering from labour pain on 18.01.2022 and she took her to the PHC Bihta, where Shobha Devi gave birth to a baby girl and baby girl named Sarita was written in the hospital and on 19.01.2022 she was discharged from the hospital and at that time Shobha Devi and her baby girl were well. She further

deposed that the discharge slip was prepared by doctor Krishna Kumar and the original slip was lost but the photo copy of the said slip and the said prescription slip marked as (Ext. B). In cross examination, she stated that she could not tell as to when Shobha Devi delivered the baby girl and she again stated that she delivered after 2 O'clock on 19.01.2022 and her delivery was made by nurse Shushma and the said delivery was normal delivery and she further stated that Shobha Devi went to her home and she died. She further stated that during the normal delivery there was bleeding to Shobha Devi.

12. This case of charge u/s 304B/302/34 IPC. The witnesses PW1,PW2,PW3 & PW9 are the relative and family members of the informant PW4 who is the father of the deceased Shobha Devi while other PW1,PW2,PW3 & PW9 are the brothers, mother & aunt of the deceased and all the witnesses PW1,PW2,PW3 & PW9 as well as the informant PW4 deposed about the marriage of the deceased Shobha Devi with the accused A1 herein in the year 2021 and after the marriage there was continue demand of dowry for which a *panchayat* was held to sort out the dispute and a *panchaytanama* (Ext.6) was also reduced in writing on non judicial stamp paper but in that deed no allegation was stated about the demand of dowry but it was written that the husband and his relative shall keep the deceased lovingly and thereafter she gave birth to a baby girl and after four-five days, an information was received by the informant regarding her death upon which the informant i.e the father of the deceased (PW4) went to the matrimonial home of his daughter and he found his daughter lying dead and then he reported the matter to the police and then the dead body of the deceased was sent for postmortem. The post-mortem report (Ext.1) and the medical officer's(PW7) testimony shows that there were abrasions on the fore arm and also on neck. Bruises ove face & neck were also found and the neck bone was found broken and death was stated to have been caused due to asphyxia causing cardio pulmonary after throttling. No forensic examination was or DNA examination was done and the Investigating Officer (PW8) stated that he did not get occasion to see the dead body of the deceased. Nothing is shown as to whether the accused was only with the deceased on the date of occurrence or he was along with his relative. The trial is being faced by only the husband as an accused. The witnesses from the side of the informant as he himself, his wife, his sons and his sister-in-law deposed regarding torturing of the deceased for non fulfillment of the demand of money as dowry. The witnesses (PW5 & PW6) however, from Prosecution's side but they are the neighbour of the accused and they stated that deceased died as she suffered pain in her stomach due to post delivery complications as she delivered a baby girl child 4-5 days before. There is no eye witness of assault.

The extract the relevant provisions of Section 304B IPC which deals the offence of dowry death.

“304B. Dowry Death- (1) *where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her*

marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with any demand for dowry, such death shall be called “dowry death” and such husband or relative shall be deemed to have caused her death.

Thus in order to convict an accused for the offence punishable under Section 304B IPC, the following essentials must be satisfied-

(I) the death of a woman must have been caused by burns or bodily injury or otherwise than under normal circumstances:

(II) Such death must have occurred within seven years of her marriage.

(III) Soon before her death the woman must have been subjected to cruelty or harassment by her husband or any relatives of her husband;

(IV) Such cruelty or harassment must be for, or in connection with demand for dowry.

When the above ingredients are established by reliable and admissible evidence, such death shall be called dowry death and such husband or his relatives shall be deemed to have caused her death. If the aforesaid ingredients are attracted, the court shall presume and it shall record such fact as proved unless and until it is disproved by the accused.

Section 113B of the Evidence Act, says about presumption presumption of dowry death-

*“When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman has been subjected by such person to cruelty or harassment for, or in connection with any demand for dowry, the court **shall presume** that such person had caused the dowry death.”*

Now Section 2 of the Dowry Prohibition Act, which reads as under:

“dowry” means any property or valuable security given or agreed to be given either directly or indirectly-

- a) By one party to a marriage to the other party to the marriage; or
- b) By the parent of either party to a marriage or by any other person, to either party to the marriage or to any other person,

at or before or any time after the marriage in connection with the marriage of the said parties,

In this case, the marriage of the accused A1 with the deceased Shobha Devi in the year 2021 is not disputed and her death was in the month of January 2022 and thus her death was within the seven years of her marriage. The medical evidence such as the postmortem report Ext.1 and the testimony of the witness PW7-Dr. Rakesh Kumar

indicates the bodily injuries such as abrasions on fore arm & neck, bruises on face & neck and fracture of neck bone and he opined as the death was due to asphyxia after throttling and thus the death was not normal but it was homicidal. The deceased's father (PW4), Mother(PW2), Brothers PW1 & PW9, and her aunt PW3 have deposed regarding dowry demand and cruelty and the evidence Ext.6 i.e the *Panchayatnama* shows that there was a Panchayat convened because of matrimonial disputes. Therefore, the necessary fundamentals are on record for the statutory presumption under Section 113B of the Indian Evidence Act would arise against the accused A1 herein who is the husband of the deceased Shobha Devi. The mere fact that the *Panchayatnama* does not specifically mention dowry demand is not necessarily fatal to the prosecution because the omission of dowry demand in a settlement/compromise deed does not automatically discredit oral corroboratory testimony of the witnesses PW1, PW2, PW3, PW4 & PW9.

The strongest circumstance against the accused is the medical evidence.

The post-mortem shows:

- A. Abrasions on forearm & neck.
- B. Bruises on face & neck.
- C. Fracture of neck bone.
- D. Cause of death by Asphyxia causing cardio pulmonary after throttling.
- E. Mark on neck

The said injuries indicates the homicidal death and rules out a natural death due to post-delivery complications. Therefore the neighbour's (PW5 & PW6) version that she died due to stomach pain after childbirth appears inconsistent with the medical evidence. Medical evidence is based on scientific experiments & observations and that evidence established that the death was homicidal. Therefore all the ingredients of the offence of dowry death couple with the statutory presumptions u/s 113 B of the Indian Evidence Act / u/s 118 of Bhartiya Sakshya Adhinium are satisfied.

13 . In this case, there is no eye witness of the alleged occurrence. A conviction may be based entirely on circumstantial evidence if the chain is complete. Herein the accused A1 gave no plausible explanation for homicidal death of wife inside matrimonial home and in such circumstances, Section 106 of the Indian Evidence Act may become relevant because facts regarding how the deceased suffered throttling inside the matrimonial home are especially within the knowledge of the husband but the prosecution failed to prove that the deceased was in the exclusive company of the accused A1 who is husband shortly before death. Moreover, the investigation is defective as no forensic examination or DNA examination in relation the injuries as found on the body of the deceased as the witnesses PW1, PW2, PW3, PW4 & PW9 stated regarding they saw mark on the neck of the deceased and no material like wearing cloth of the deceased or of the accused A1 herein, were recovered & seized for forensic or DNA examination. These deficiencies weaken the prosecution's attempt

to establish murder beyond reasonable doubt.

14. In this case, the medical evidence strongly establishes homicidal death due to Asphyxia after throttling and the defence theory of death due to post-delivery complications as stated by PW5, PW6 & DW1-Babita Kumari, appears inconsistent with the post-mortem findings and the death occurred within seven years of marriage where the informant PW4 and the close relatives PW1, PW2, PW3 & PW9 consistently deposed regarding dowry demand and harassment and *Panchayatnama*(Ext.6) proves prior matrimonial discord, although it does not expressly mention dowry. Conclusively, the evidence on record established the charge under Section 304B IPC beyond reasonable doubt against the accused A1 herein, because the statutory presumption under Section 113B of the Evidence Act arises.

Herein also there is no eyewitness to the murder and the investigation is defective and the prosecution has not proved by direct evidence that the husband alone was with the deceased immediately before death. Thus, however, for Section 302 IPC, the issue is closer, since the prosecution has not clearly established the “last seen” circumstance, exclusive presence of the husband, or a complete chain of circumstantial evidence, there remains room for reasonable doubt as to who actually committed the act of throttling. Suspicion against the husband may be very strong, but suspicion cannot replace proof. Therefore, the prosecution is failed to prove the charge u/s 302 IPC beyond the reasonable doubt and thus for the said charge u/s 302 IPC the accused A1 is entitled for the benefit of doubt.

15. With the forgoing reasons and on the basis of the evidence available on record, this court holds that the prosecution has been able enough to bring home the charge **u/s 304B IPC** as leveled against the accused persons **Laxman Sao (A1)** beyond the reasonable doubts and thus the accused persons **Laxman Sao (A1)** is hereby convicted for the offence **u/s 304B IPC**. Further, the accused **Laxman Sao (A1)** is hereby acquitted for the charge **u/s 302 IPC** as the prosecution failed to establish the said charge beyond the reasonable doubt.

16. The convict Laxman Sao (A1) in J/C shall be heard on the point of sentence on 23.06.2026.

**Typed, Corrected & pronounced
by me in open court**

**Sunil Kumar III
(ASJ-VI, Danapur)
16.06.2026**

**Sunil Kumar III
(ASJ-VI, Danapur)
16.06.2026**