

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (D.B.) No. 574 of 2023**

[Against the Judgment of conviction and Order of sentence dated 31.03.2023 passed by learned Additional Sessions Judge-III, Godda, in Sessions Trial No. 187 of 2018]

Prem Chand Shandil @ Santosh Jha, aged about 36 years,
Son of Nitya Nand Jha, resident of Village – Saidapur, P.S.-
Godda (M), P.O. and District – Godda, Jharkhand.

... .. **Appellant**

Versus

The State of Jharkhand **Respondent**

.....

For the Appellant : Mr. Jitendra S. Singh, Advocate.

Mr. Vinay Kumar Tiwary, Advocate.

For the Respondent : Mr. Abhay Kumar Tiwary, A.P.P.

.....

P R E S E N T

**HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

JUDGMENT

C.A.V. on 04.12.2025 Pronounced on 25.02.2026

Per Pradeep Kumar Srivastava, J.

1. Heard Mr. Jitendra S. Singh, learned counsel for the appellant and Mr. Abhay Kumar Tiwary, learned Additional P.P.
2. The instant criminal appeal is directed against judgment of conviction and order of sentence dated 31.03.2023 passed by learned Additional Sessions Judge-III, Godda in Sessions Trial No. 187 of 2018, whereby and whereunder, the appellant has been held guilty and convicted for the offence under Section 304B of the I.P.C. and sentenced to undergo imprisonment for life.

FACTUAL MATRIX

3. The factual matrix giving rise to this appeal, as depicted in the F.I.R. in a narrow compass, is that the informant's daughter Snehlata Kumari @ Sweety (since deceased) was married with the present appellant on 30.11.2012 and out of their wedlock, a girl child namely, Bhabhya Bharti was begotten, who is at present 04 years old. It is alleged that for better education of the girl child Bhavya, Snehlata Kumari was residing at her parental house, but all of a sudden, her husband (appellant) took his wife and daughter at Lohia Nagar, Godda in the month of April, 2018 and left them in a rented house and got his daughter admitted in St. Thomas School, Godda. It is further alleged that the appellant, who is a CRPF personnel left for his duty to Rajgir at CRPF Camp. In the meantime, on 05.04.2018, the husband hatching conspiracy with his sister Shweta Jha and mother Nilam Devi committed murder of the informant's daughter in between night of 5/6.04.2018. It is further alleged that from the beginning of marriage, all the accused persons used to quarrel with the deceased and demanded additional dowry in the shape of 1 Katha land and one four-wheeler vehicle and due to non-fulfillment of aforesaid demand the

deceased was subjected to torture at hands of husband and in-laws, which was frequently disclosed by the deceased to her mother Uma Devi (informant) (P.W.-4).

4. On the basis of written report of the informant, FIR being Godda (Town) P.S. Case No. 80 of 2018 was registered for the offence under Section 304B read with Section 34 of the I.P.C. In course of investigation, the present appellant was arrested and after conclusion of investigation against him, charge sheet was submitted, keeping investigation continued against rest of the co-accused persons.
5. The case of the appellant was committed to the court of Sessions after taking cognizance of the offences, where S.T. No. 187/2018 was registered. The appellant denied the charges levelled against him and claimed to be tried.
6. In the course of trial, altogether 14 witnesses were examined by the prosecution.

P.W.-1 : Kameshwar Jha;

P.W.-2 : Manish Kumar Jha;

P.W.-3 : Dr. Pradeep Kumar Sinha;

P.W.-4 : Uma Devi (Informant);

P.W.-5 : Vikash Chandra Jha;

- P.W.-6 : Dev Chand Shandil;
- P.W.-7 : Sushil Kumar Jha;
- P.W.-8 : Banke Bihari Jha;
- P.W.-9 : Tarkeshwar Harijan;
- P.W.-10 : Ananjoy Kumar Thakur.
- P.W.-11 : Sunita Thakur.
- P.W.-12 : Rakesh Kumar Singh.
- P.W.-13 : Sunita Murmu.
- P.W.-14 : Manju Murmu.

Apart from oral testimony of witnesses, following documentary evidences have been adduced:-

- Exhibit-1 : Signature of the P.W.-2 on carbon copy of Inquest Report of the deceased Snehlata Devi @ Sweety Kumari.
- Exhibit-1/1 : Signature of the informant (P.W.-4) on carbon copy of Death Inquest Report of the deceased Snehlata Devi @ Sweety Kumari.
- Exhibit-1/2 : Writing and signature of P.W.-7 on Inquest Report of the deceased Snehlata Devi @ Sweety Kumari.
- Exhibit-2 : Post mortem report of the deceased.

Exhibit-3 : Signature of the informant (P.W.-4) on her written report.

Exhibit-4 : Signature of Sushil Kumar Jha (P.W.-7) on Seizure list of mobile phones.

7. On the other hand, no oral or documentary evidence has been adduced by the defence. The case of defence is denial from the occurrence and false implication in the case on the basis of suspicion. It is also pleaded that there was cordial relationship between husband and wife. There was no demand of any kind of dowry or consequent torture meted to the deceased. The ritual of cremation was also conducted by the appellant in presence of family members of the informant. The case is outcome of anguish due to unfortunate death of the deceased.
8. The learned court, after evaluating evidence available on record, arrived at conclusion of guilt of the appellant for the offence under Section 304B of the I.P.C. and sentenced him as stated above, which has been assailed in this appeal.
9. Learned counsel for the appellant has strenuously argued that admittedly appellant was working as CRPF personnel at Rajgir on the relevant date of occurrence and his wife and daughter were left at

Godda for better education of their child. The appellant was properly taking care of his wife and child used to send money for their expenses. The rental house was also belonged to the relative of the deceased. It is further submitted that in the FIR, there is general and omnibus allegation of demand of one Katha land and four-wheeler, but there is not a single allegation about torture meted to the deceased at the hands of appellant, due to non-fulfillment of dowry. In course of trial, mother and brother of the victim, who are close relative of deceased, have been examined to prove the demand of dowry and consequential torture meted with the deceased, but surprisingly nothing has been stated by them in this regard, rather the mother of deceased states in clear terms that she was thinking it to be joke when her son-in-law was raising demand of money, land and four wheeler vehicle. Therefore, the most vital ingredient of the offence of dowry death i.e. *“soon before her death, the deceased must have been subjected to cruelty or harassment by her husband or any other relatives of her husband for or in connection of any demand of dowry”*, is lacking in this case. Therefore, merely on the ground that the deceased died an unnatural death within seven years of her marriage, the penal deeming provision of dowry

death, cannot be invoked. It is always incumbent upon the prosecution to prove the very foundational facts constituting offence under Section 304B of the I.P.C., only then presumption under Section 113-B of the Evidence Act can be raised. In absence of proof of foundational facts regarding demand of dowry from the deceased or her parents and consequential physical or mental torture meted with the deceased due to non-fulfillment of dowry demand, the learned trial court must not have held the appellant guilty for the offence under Section 304B of the I.P.C. Therefore, the impugned judgment and order of conviction and sentence of the appellant is absolutely illegal and based upon conjecture and surmises and beyond weight of evidence available on record, which is fit to be set aside. The appellant deserves acquittal from the charge levelled against him. Accordingly, this appeal may be allowed.

10. In support of his argument, learned counsel for the appellant has placed reliance upon the judgment of Hon'ble Supreme Court passed in the case of ***Bhupal Singh & Anr. Vs. State of Uttarakhand [2025 Supreme (SC) 124]*** and ***The State of Uttarakhand Vs. Sanjay Ram Tamta @ Sanju @ Prem Prakash; [2025 Supreme (SC) 312]***.

11. Per contra, learned A.P.P. appearing for the State has strenuously argued that the learned trial court has very wisely and aptly apprised, evaluated and scanned the oral testimony of witnesses examined in this case. Prosecution witnesses have consistently proved the demand of money and four-wheeler vehicle as well as the appellant has forcibly retained landed property of his wife and due to physical and mental torture extended to deceased due to non-fulfillment of above demand, she was driven away from matrimonial home along with tender aged child and compelled to reside at her parental home. Soon before the occurrence, the deceased along with her daughter was forcibly brought by her husband at Gooda and after admission of child in a School, she was done to death by strangulation. The plea of the appellant that he was not present at the place of occurrence on the relevant date and time is absolutely false and concocted story because the appellant himself has admitted in his statement under Section 313 Cr.P.C. that from 24.03.2018 to 09.04.2018, he was on leave. The further point of argument that all the witnesses are relative or interested witnesses is also not tenable. In such a case, circumstances play pivotal role since the offences are often executed within four walls of

room giving no opportunity to other person to see, particularly the parents of the deceased, who reside at another place. The deeming provision of dowry death was enacted keeping in mind the aforesaid situations, so that prosecution should not be handicapped in absence of eye-witness of occurrence. In the instant case, the foundational facts to attract the offence under Section 304B of the I.P.C. has been proved by prosecution beyond doubt. The informant and other witnesses, although being close relatives have stated true facts leading to conclusion that the deceased was married with the appellant and she died unnatural death while living with her husband under tense relationship within seven years of marriage. It is also proved that soon before her death, the deceased was subjected to cruelty and harassment, physical and mental, on account of or in connection with demand of dowry from her. The learned trial court has committed no error of law in holding the appellant guilty for the offence under Section 304B I.P.C. and imposing adequate and proper sentence, which requires no interference by way of this appeal, which is devoid of merits and fit to be dismissed.

- 12.** In the light of rival contentions of the parties, the only question arises for determination in this appeal, is

that “as to whether the impugned judgment and order of conviction and sentence of appellant is legally sustainable or not?”

ANALYSIS

13. Before imparting our verdict on the above point, we have to apprise with the relevant provisions of law applicable in this case along with evidence adduced by prosecution. The relevant provisions of law applicable in this case are reproduced hereinbelow:

“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.

Explanation.- For the purposes of this subsection, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.”

498A. Husband or relative of husband of a woman subjecting her to cruelty. [Whoever, being the husband or the relative of the husband

of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, "cruelty means"—

- (a) Any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.]

“113B. Presumption as to 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 had 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.

Explanation.- For the purposes of this section, dowry death shall have the same meaning as in section 304B of the Indian Penal Code (45 of 1860).”

- 14.** In view of the above provisions, in order to convict an accused for the offence punishable under Section 304(B) of the 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 acceptable evidence, such death shall be called dowry death and such husband or his relatives shall be deemed to have caused her death.

15. From bare perusal of provision of Section 304B of the IPC, it is evident that it does not categorize death as homicidal or suicidal or accidental. This is because death caused by burns can, in a given case, be homicidal or suicidal or accidental. Similarly, death caused by bodily injury can, in a given case, be homicidal or suicidal or accidental. Finally, any death occurring “otherwise than under normal circumstances” can, in a given case, be homicidal or

suicidal or accidental. Therefore, if all the other ingredients of Section 304-B IPC are fulfilled, any death (homicidal or suicidal or accidental) whether caused by burns or by bodily injury or occurring otherwise than under normal circumstances shall, as per the legislative mandate, be called a “dowry death” and the woman’s husband or his relative “shall be deemed to have caused her death”. The section clearly specifies what constitutes the offence of dowry death and also identifies the single offender or multiple offenders who has or have caused the dowry death.

- 16.** In order to attract the provisions of Section 304-B IPC, one of the main ingredients of the offence which is required to be established is that “soon before her death” she was subjected to cruelty or harassment “for, or in connection with the demand for dowry”. The expression “**soon before her death**” used in Section 304-B IPC and Section 113-B of Evidence Act has been explained by Hon’ble Apex Court in plethora of judgments, **Bansi Lal v. State of Haryana**, (2011) 11 SCC 359; **Mustafa Shahadat Shaikh v. State of Maharashtra**, (2012) 11 SCC 397; **Ramesh Vithal Patil v. State of Karnataka**, (2014) 11 SCC 516, **Maya Devi & Anr. V. State of Haryana**, (2015) 17 SCC 405. **Satbir Singh & Anr. v. State of Haryana**

(2021) 6 SCC 1. It has been observed that though the language used is “soon before her death”, no definite period has been enacted and the expression “soon before her death” has not been defined in both the enactments. Accordingly, the determination of the period which can come within the term “soon before her death” is to be determined by the courts, depending upon the facts and circumstances of each case. However, the said expression would normally imply that the interval should not be much between the cruelty or harassment concerned and the death in question. In other words, **there must be existence of a proximate and live link between the effect of cruelty based on dowry demand and the death concerned.** If the alleged incident of cruelty is remote in time and has become stale enough not to disturb the mental equilibrium of the woman concerned, it would be of no consequence.

17. Hon’ble Apex Court in the case of **Satbir Singh & Anr. v. State of Haryana** (2021) 6 SCC 1 has held that the phrase “soon before” in section 304B IPC is a relative term which is required to be considered under specific circumstances of each case and no straitjacket formula can be laid down by fixing any time limit. In relation to dowry deaths, the

circumstances showing the existence of cruelty or harassment to the deceased are not restricted to a particular instance but normally refer to a course of conduct. Such conduct may be spread over a period of time. Thus, a proximate and live link between the effect of cruelty based on dowry demand and the consequential death is required to be proved by the prosecution. The demand of dowry, cruelty or harassment based upon such demand and the date of death should not be too remote in time which, under the circumstances, be treated as having become stale enough.

- 18.** Section 113-B of the Evidence Act lays down rebuttable presumption of law in respect of dowry death. If the ingredients under Section 304-B IPC are attracted, the court shall presume and it shall record such fact as proved unless and until it is disproved by the accused. However, it is open to the accused to adduce such evidence for disproving such conclusive presumption as the burden is unmistakably on him to do so and he can discharge such burden by getting an answer through cross- examination of the prosecution witnesses or by adducing evidence on the defence side as such putting reverse onus of proving on the accused.

19. Further, it appears that altogether 14 witnesses have been examined by the prosecution in order to substantiate the charges levelled against the appellant.

20. P.W.-1 Kameshwar Jha is father of the deceased. According to his evidence, his daughter Snehlata was married with Prem Chand Shandil. She was residing in rented quarter at Lohia Nagar, Godda along with her four years daughter, who was admitted in St. Thomas School, Godda. He has further deposed that his daughter was frequently tortured by her husband, mother-in-law, sister-in-law, due to non-fulfillment of demand of dowry. He has further deposed that on 03.04.2018, his daughter's husband visited with his wife Snehlata at Lohia Nagar, Godda and on pretext of joining his duty went on 04.04.2018, but in the night of 05/06.04.2018 itself, he committed murder of his wife Snehlata. This witness after receiving information went to Lohia Nagar and saw his daughter was died. There were injuries on her eyes and some marks of injuries on neck and left leg.

In his cross-examination, he admits that he is not the eye-witness of the occurrence. When he went to Lohia Nagar, he found his daughter was lying dead. Her mother-in-law and sister-in-law were also present

along with some neighbours. He also admits in his cross-examination that last ritual of his deceased daughter was performed by her husband. This witness denied the suggestion of defence that due to her own wrongful acts, the deceased might have been killed by enemies and her husband has been falsely implicated in this case on the basis of suspicion.

21. P.W.-2 Manish Kumar Jha is the brother of the deceased. According to his evidence, on 06.04.2018, he received telephonic call from Shweta Mishra (sister-in-law of deceased) about death of his sister Snehlata at Lohia Nagar, Godda. It is further stated that his sister was married with Prem Chand Sandil on 30.11.2012 and also blessed with a daughter. After receiving the aforesaid information, he informed to his father and requested him to come at Lohia Nagar, Godda. He along with his mother and father went to Godda on 06.04.2018 and reached there at 9:00 A.M., where police personnels were also present. He saw the dead body of Snehlata @ Sweety lying on the bed and there were some injuries near right side of neck, right eyes appear to be blackish, abrasion on left leg. The dead body was sent by police for post-mortem. He has also proved the signature on inquest report as Exhibit-1.

In his cross-examination, this witness states that the deceased had told him that the accused persons were asking for one Katha land and four-wheeler vehicle. When he went to Lohia Nagar, his brother-in-law Prem Chand Sandil was not present. He also admits that his sister was living in rented quarter of Dhananjay Thakur through the assistance of brother of Prem Chand Sandil.

He has denied the suggestion of defence that his sister has died due to any other reason and he has falsely implicated his brother-in-law only on suspicion.

22. P.W.-3 Dr. Pradeep Kumar Sinha is the Doctor, who conducted autopsy on the dead body of deceased Snehlata Devi @ Sweety, aged about 28 years, Wife of Premchand Sandil and found following ante mortem injuries:-

- (a) Two curved abrasion 1/2" of upper part of leg in front and another on the right side of neck 1" apart.
- (b) Three bruises 1/2" x 1/2" on the right side of neck 1/2" apart from each other and three on the right side of the neck 1/2" x 1/2", half inch apart.

On dissection subcutaneous tissues under the marks are lacerated and ecchy mosed with laceration of neck muscle beneath the injury.

(c) Abrasion 1" x 1/2" on the left leg entirely in the middle.

Cause of death is due to shock and asphyxia due to strangulation by throttling. Ante mortem Injury No. 2 was grievous in nature.

He has proved the post-mortem report as Exhibit-2.

23. P.W.-4 Uma Devi is the informant-cum-mother of the deceased. According to her, her daughter Snehlata was married with Prem Chand Sandil. She has further deposed that from the very inception of marriage, her son-in-law Prem Chand Sandil was demanding 01 Katha land and four-wheeler vehicle, but it was not taken seriously. Hence, no complaint was lodged anywhere. She has further stated that her daughter was living with her along with her girl child. The deceased was brought to Godda just before the occurrence by her husband and admitted the girl child in St. Thomas School, Godda and was living alone and her husband was in service. She has further deposed that on 06.04.2018 at about 6:30 A.M., her son Manish Jha received a telephonic message from sister-in-law of her daughter namely, Shweta Mishra about her illness, but when this witness along with other family member went to Lohia

Nagar, Godda. She saw mark of injury on neck, left forehead and his daughter was lying dead. Police also arrived and inquest report was prepared. She has proved her signature as Exhibit-1/1. Cremation of dead body was conducted by her husband. She has denied suggestion of defence that her daughter was alone in the house, hence, she used to go outside frequently due to that reason, anyone else taking advantage of her loneliness has killed her and she has falsely implicated husband of the deceased only on the basis of suspicion.

24. P.W.-5 Vikash Chandra Jha has been declared hostile by the prosecution and states no knowledge about the occurrence.

25. P.W.-6 Dev Chand Shandil is the brother-in-law of the deceased and brother of the appellant. He has expressed no knowledge about the occurrence, rather stated that he came to know about death of his sister-in-law (bhabhi) Snehlata in her rented house through telephonic message given by her landlord and went there, where he saw dead body of the deceased and knows nothing else.

26. P.W.-7 S.I. Sushil Kumar Jha is the Investigating Officer. This witness has state that on 06.04.2018, he took charge of Godda (Town) P.S. Case No. 80 of 2018.

He visited the place of occurrence, which is house of Dhananjay Kumar Thakur, situated at Lohia Nagar, Ward No. 13/10, wherein deceased was living on rent in a room. He recorded re-statement of the informant and statement under Section 161 Cr.P.C. of the witnesses namely, Manish Kumar Jha, Kameshwar Jha, Ananjay Kumar Thakur, Sunila Thakur, Kumari Nisha, Dev Chandra Sandil, Nityanand Jha, Rampravesh Gupta, Manjula Murmu, Sunita Kisku, Pushkar Jha, Banke Bihari Jha, Bikash Chandra Jha and Tarkeshwar Harijan etc. He also prepared inquest report (Exhibit-1/2) of the deceased in presence of two witnesses namely, Manish Kumar Jha and Uma Devi. He arrested Prem Chand Sandil on 17.04.2018 and seized two mobile phones bearing nos. 7992339517 and 95341290311 and prepared seizure list (Exhibit-4) and sent the same to the technical cell for collecting the call detail reports. Having sufficient evidence against the accused, arrested the accused and also on direction of superior police officers, he has submitted charge-sheet against Prem Chand Sandil, keeping investigation continuing against other co-accused persons.

In his cross-examination, no contradiction from the evidence of any of the witnesses examined by

prosecution has been drawn by the defence, rather he has stated that in presence of two independent witness disclosure statement of Prem Chand Sandil was recorded by him after his arrest. The accused has given confessional statement of his guilt.

He has denied the suggestion of defence that he has submitted charge sheet against the accused person without sufficient evidence only on the basis of extracted confessional statement.

27. P.W.-8 Banke Bihari Jha is not an eye-witness of the occurrence, rather he came to know about death of wife of Prem Chand Sandil at Godda, then he attended the funeral ceremony at Godda, but in-laws of Prem Chand Sandil lodged a case against him for dowry death.

28. P.W.-9 Tarkeshwar Harijan has also attended the funeral ceremony and knows nothing about the factual aspect of the case.

29. P.W.-10 Ananjoy Kumar Thakur is the landlord of the deceased. He came to know about the occurrence in the morning that Snehlata has been died. Thereafter, some villagers and parents of the deceased and other family members assembled. He does not know about factual aspects of this case.

- 30. P.W.-11 Sunita Thakur** is the land lady of the house. According to her evidence, the occurrence is of 05.04.2018. The room was rented to her on 14.03.2018 on the request of her dewar Bullu. The main reason for letting out the house was the education of the daughter, who was admitted at St. Thomas School, Godda. She has no knowledge about any other material particularly of this case.
- 31. P.W.-12 Rakesh Kumar Singh** is neighbour of the deceased. He has deposed that after hearing hulla in the morning, he went to the house of Ananjoy, where he came to know that a lady has been murdered. He has stated nothing else.
- 32. P.W.-13 Sunita Murmu** has been declared hostile by the prosecution and expressed no knowledge about the case.
- 33. P.W.-14 Manju Mumru** is hearsay witness and expressed no knowledge about the case.
- 34.** On the other hand, no oral or documentary evidence has been adduced by the defence. As per the statement under Section 313 Cr.P.C., there is denial from occurrence and false implication. The accused has also stated that he has never made any confessional statement before police, rather signature

was obtained in plain paper putting him on physical torture. He also admits that from 24.03.2018 to 09.04.2018, he was on leave, but failed to disclose the real reason for taking leave.

- 35.** From the aforesaid discussion of ocular testimony of witnesses, it emerges that the appellant was married with deceased on 30.11.2012, who died on 05/06.04.2018 in her rented house, where she was residing along with her girl child, aged about 04 years, who was admitted in St. Thomas School, Godda for prosecuting her studies. It also transpires from the evidence of informant Uma Devi (P.W.-4), who has proved the contents of F.I.R. that due to tense relationship of husband and wife on account of demand of additional dowry in the shape of one Katha land and one four-wheeler vehicle and consequent harassment and torture meted with the deceased, she was compelled to live at her parental home along with her tender year child. It is also stated that all of a sudden on 14.03.2018, the present appellant brought his wife and minor child to Godda and got admitted his daughter in St. Thomas School, Godda. The landlady Sunita Thakur, who has been examined as P.W.-11, has admitted that the deceased started living in her rented house from 14.03.2018 at

the request of her dewar Bullu. The factum of demand of dowry and consequent torture meted with deceased at the hands of her husband is also proved by P.W.-1, Kameshwar Jha (father of the deceased), P.W.-2, Manish Kumar Jha (brother of the deceased), who in his cross-examination has categorically stated that the accused persons were asking one Katha land and one four-wheeler vehicle. The cause of death of the deceased has also been opined by P.W.-3 Dr. Pradeep Kumar Sinha due to shock and asphyxia due to strangulation by throttling. Ante mortem injuries were also found on the dead body, which was opined to be grievous in nature.

- 36.** From the aforesaid unimpeachable evidence, there remains no doubt that the deceased has died an unnatural death while she was residing with her husband in rented house at Godda. She has not only sustained grievous ante-mortem injuries, but also strangulation by throttling, which was main cause of death. Therefore, first two ingredients of Section 304B of I.P.C., as quoted above, stands established.
- 37.** So far as other two ingredients regarding demand of dowry and consequential torture meted with the deceased soon before death is concerned, there are clinching evidence of P.W.-1, P.W.-2 and P.W.-4 that

just after the marriage (solemnized in the year 2012), present appellant was asking one Katha land and one four-wheeler vehicle, which was initially not taken seriously, but the subsequent conduct of the accused in leaving his wife at parental home to coerce her to meet the demands and ultimately taking her back to Godda at rental house just on 14.03.2018 forcibly and getting admission of tender year child in a School and thereafter, taking leave from 24.03.2018 to 09.04.2018, the present appellant was living with her and on the fateful night, the unfortunate death by strangulation of the deceased occurred, which has not been explained by the present appellant, rather imaginary suggestions have been extended to the P.W.-1, P.W.-2 and P.W.-4 that the deceased was residing alone and used to go hither and thither, therefore, someone else taking advantage of her loneliness caused her murder, is absolutely far away from the proved facts and cannot be relied upon.

- 38.** So far as reported judgment relied upon by the learned counsel for the appellant in the case of ***Bhupal Singh & Another (Supra)*** and ***The State of Uttarakhand (Supra)*** do not fit with the facts and circumstances of the case, hence are of no assistance in the context of present appeal.

- 39.** We have given anxious consideration to the overall attending circumstances brought on record by the prosecution and defence and of the clear cut view that the prosecution has established the foundational facts constituting offence under Section 304B of the I.P.C. (now Section 80 of BNS) against the appellant, legitimately raising the presumption under Section 113-B of the Evidence Act against the appellant, but the appellant has failed to adduce any evidence to rebut the aforesaid presumption of law. Therefore, we do not find any valid reason to interfere with the impugned judgment of conviction and sentence of the appellant passed by the learned trial court and no illegality or infirmity in the impugned judgment.
- 40.** In view of the above discussion and reasons, we do not find any error of law in the impugned judgment and order, calling for any interference. We also do not find any legal substance in the points of argument raised on behalf of appellant and no merits in this appeal, which stands **dismissed**.
- 41.** Appellant is on bail, hence, his bail bond is cancelled and he is directed to surrender before the concerned trial court to undergo the sentence awarded to him by learned trial court within one month from the date of this judgment, failing which, the learned trial court

shall take all coercive steps to secure arrest of the appellant and send him to jail custody for sustaining the sentence.

42. Pending I.A., if any, stand disposed of.

43. Let a copy of this judgment be sent to the court concerned for information and needful.

(Rongon Mukhopadhyay, J.)

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi

Dated, the 25th February, 2026.

Sunil / **N.A.F.R.**

Uploaded On : 26/02/2026