

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Miscellaneous No.17333 of 2015**

Arising Out of PS.Case No. -51 Year- 2014 Thana -CHAURI District- BHOJPUR

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1. Pawan Ram @ Pawan Kumar S/o Dilip Ram Resident of Village Harpur Lakh, Police Station Chauri, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ansuaiya Jaiswal (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 20-05-2015 Heard learned counsel for the petitioner as well as
learned APP for the State.

There happens to be allegation against the petitioner to get engaged in court marriage with Kavita Kumari, sister of informant just about nine months ago. It has been disclosed that on 23.08.2014, Babu son of petitioner informed him that your sister is dead. Thereafter, he rushed to the village with his relative where Dilip Ram disclosed that she died two days earlier and her dead body has already been cremated.

It has been submitted on behalf of the petitioner that there happens to be specific disclosure right from written report that both have married out of their sweet will through the process of the court. It has also been submitted that the deceased was major and so her action was fully acknowledgeable in the eye of



law. It has also been disclosed that in the written report there happens to be absence of demand of dowry and on account thereof, registration of instant case under Section 304B of the IPC happens to be illegal. Then it has been submitted that the deceased was suffering from serious disease and on account thereof, she was regularly being treated. Unfortunately, she died. After the death, prosecution party were informed, they came and participated in cremation. So it has been submitted that petitioner deserves bail.

Learned APP opposed the prayer for bail.

Perused the case diary. From further statement of informant recorded under para-4, it is apparent that after exploiting the deceased, petitioner withdrew himself and on account thereof, a complaint case was filed against the petitioner by the deceased and after coming to know about the same, petitioner contacted her, persuaded her and then married before Notary Public, a copy thereof is available which is annexed with the case diary and that happens to be the conduct of the petitioner.

So, for the present, the question has arisen with regard to validity of the marriage. However, it is apparent that the deceased was staying at the place of petitioner where she died.

Now coming to the Annexure-2 Series, the prescriptions

and other documents, I do not intend to say anything more, at the present moment because that will go against the interest of the petitioner during trial.

Prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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