

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.864 of 2015

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Anil Sah, Son of Harichandra Sah, resident of Village-Atta, P.S.-
Morhowrah, Distt.-Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Gopesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-05-2015 The petitioner is apprehending his arrest in connection with Morhowrah P.S. Case No. 37 of 2014 for the offences instituted under Sections 304(B) and 201/34 of the Indian Penal Code.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that the petitioner being the husband of daughter of the informant, namely, Chinta Devi, alongwith others used to torture and assault her with non-fulfillment of dowry demand by way of a gold chain and cash amount of Rs. One Lac and lastly they committed her death and disposed of the dead body.

It has been submitted on behalf of the petitioner that the present case does not come within the purview of Section 304(B)



of the I.P.C. Further it has been submitted that the occurrence is said to have taken place after more than seven years of marriage. In spite of information being given to the prosecution side, the prosecution has been brought after a period of three days for which no explanation has been made on behalf of the prosecution. Further it has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent. Further it has come in paragraph no. 13 of the case diary where the statement of the doctor has been recorded which indicates that the deceased died in course of treatment. Further it has been submitted that in the entire case diary, there is not a single witness to support the fact that there was any demand of dowry.

On behalf of the State, it has been submitted that the petitioner is the husband of the deceased and there is allegation being made against him.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner in connection with Morhowrah P.S. Case No. 37 of 2014, pending in the court of the learned C.J.M. Saran at Chapra. Any how, when the petitioner seeks his regular bail, the learned court below without being prejudiced to this order shall consider the application of the petitioner on its own merit. The learned court below may consider

the submissions made on behalf of the petitioner while hearing the regular bail of the petitioner.

U.K./-

(Sudhir Singh, J)

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