

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28605 of 2015**

Arising Out of PS.Case No. -338 Year- 2014 Thana -PANCHRUKHI District- SIWAN

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1. Virendra Tiwari Son of Dharam Tiwari Resident of Village Tarwara Tola  
P.S. G.B. Nagar, District Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Naresh Dikshit

For the Opposite Party/s : Mr. Binod Kr. 2(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

2      24-07-2015      Heard learned counsel for the petitioner as well as  
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with  
Pachrukhi G.B.Nagar Police Station Case No. 338 of 2014  
registered for the offences punishable under Section 304B/34 of  
the Indian Penal Code.

Petitioner happens to be husband of the deceased who  
died within five years of her marriage. There is allegation that  
petitioners and his family members committed murder of the  
deceased due to non fulfillment of dowry demand but submission  
on behalf of the petitioner is that in course of post mortem  
examination, the doctor could not ascertain the cause of death of  
the deceased and the viscera of the dead body of the deceased was

sent for chemical examination but up till now the report regarding the viscera has not been received.

Learned counsel further submits that as a matter of fact, deceased died of her natural death and when the actual fact came to the notice of the informant he filed a petition before the court below exonerating the petitioner from the charge of murder.

Regard being had to the facts and circumstances as well as submissions of the parties, I am not inclined to grant privilege of anticipatory bail to the petitioner, accordingly, his prayer for anticipatory bail in connection with Pachrukhi G.B.Nagar Police Station Case No. 338 of 2014, pending in the court of learned Chief Judicial Magistrate, Siwan stands rejected.

However, it is made clear that if petitioner surrenders before the court below within six weeks from today and seeks regular bail, the competent court shall consider the regular bail application of the petitioner on its own merit without being prejudiced by this rejection order particularly, keeping in mind the observations made by the doctor in post mortem report as well as petition filed by the informant.

**(Hemant Kumar Srivastava, J)**

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