

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14927 of 2015

Arising Out of PS.Case No. -81 Year- 2012 Thana -AADAPUR
District- EAST CHAMPARAN(MOTIHARI)

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Sunil Upadhyay @ Mukesh Upadhyay, S/o Sri Narayan Upadhyay
Resident of Village - Katgenwa, P.S. Adapur, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Ram Bachan Singh(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 15-10-2015 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner, being the husband, is apprehending

his arrest in connection with Adapur P.S. Case No.81 of 2012

for allegedly having committed the offence under Sections

304B and 201/34 of the Indian Penal Code, pending in the

court of Sri D. Kumar, Judicial Magistrate, Raxaul at Motihari

(East Champaran).

Earlier, case diary in the present case had been called

for, which has since been received.

Learned counsel for the petitioner submits that, in

fact, it was a case of death on account of diarrhoea and for the

same, the petitioner had taken the deceased to the hospital

where she was treated about 2-3 days and thereafter she was referred to the P.M.C.H. However, on her way to P.M.C.H., the deceased breathed her last. Learned counsel for the petitioner further submits that the petitioner being the husband had taken appropriate measures to take care of his wife and had given her all possible treatments.

Learned counsel for the State after perusal of the case diary submits that it has come on record that the deceased was tortured in her matrimonial home. The petitioner being the husband of the deceased is responsible for her protection and care.

Considering the entire facts and circumstances of the case and that the death has occurred within four months of the marriage, coupled with the demand of dowry of motorcycle, I am not inclined to grant anticipatory bail to the petitioner. It is, accordingly, rejected.

(Anjana Mishra, J)

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