

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1194 of 2014

=====

Sant Singh son of Late Lukharhi Singh, resident of village- Parsawan,
Police Station- Pandarak, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home,
Govt. of Bihar, Patna
2. The Superintendent of Police, Lakhisarai
3. The S.H.O. (Officer-in-Charge) Police Station Police- Lakhisarai,
District- Lakhisarai

.... Respondent/s

=====

Appearance :

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

For the Respondent/s : Mr. Kundan Bahadur Singh, S.C.-22

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH

ORAL ORDER

3 07-08-2015 The petitioner is informant of Lakhisarai P.S. Case No.126 of 2011 registered under section 304B read with 34 of the Indian Penal Code. According to the FIR, the daughter of the informant was married to one Ramagya Singh about four years ago. She was subjected to cruelty for non-fulfillment of demand of dowry. Ultimately she was done to death at her matrimonial home for which an information was received by the informant on 27th March, 2011 pursuant to which a written report was submitted to the Officer Incharge of Lakhisarai (Ramgarh Chowk) Police Station. Accordingly, a police case was registered under section 304B read with 34 of the Indian Penal Code against accused Ramagya Singh and his elder brother Sanjiv Kumar.

By filing the instant application under Articles 226 and 227 of the Constitution of India the petitioner prays for a direction to be issued to the respondents to arrest the accused persons of the aforesaid police station.

A counter affidavit has been filed on behalf of respondent no.2 in which it has been stated that one of the co-accused Sanjiv Kumar has already been granted anticipatory bail by this Court whereas the husband of the deceased, namely, Ramagya Singh is absconding. It is stated in the counter affidavit that a warrant of arrest was obtained from the court for arrest of accused Ramagya Singh but the same could not be executed as he absconded from the place of residence. Thereafter, the police prayed for issuance of proclamation order and by order of the court accused Ramagya Singh was declared a proclaimed offender under section 82 of the Code of Criminal Procedure (for short "the Code"). Since the accused failed to appear despite issuance of proclamation order, an application was made before the Magistrate concerned seeking attachment order under section 83 of the Code. The court of Magistrate issued an attachment order against accused Ramagya Singh. The said attachment order has already been executed in respect of movable property and further action is being taken in order to attach the immovable property of the

accused Ramagya Singh.

Regard being had to the facts and circumstance of the case, I am of the view that no order is required to be passed by this Court in the present application. It is, accordingly, disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

U		T	
---	--	---	--