

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33366 of 2015

Arising Out of PS.Case No. -136 Year- 2014 Thana -DINARA District- SASARAM (ROHTAS)

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Lal Babu Ram Son of Shiv Shankar Ram Resident of Village - Ghurki, P.S.-
Dinara, District - Rohtas

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Krishna Sinha, Adv.

For the Opposite Party/s : Mr. Uma Nath Mishra (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 24-11-2015 Heard both sides.

The petitioner apprehends his arrest in Dinara (Bhanas)
P.S. Case No. 136/2014, registered for the offences punishable
under Sections 304B, 201 and 34 of the Indian Penal Code.

The informant brother of the deceased alleged that his
sister was married to the petitioner in the year 2012 and she was
living in her matrimonial house. The petitioner and other in-laws
were demanding additional dowry and due to non-fulfillment they
were torturing his sister. On 19.05.2014 the informant got
information that his sister was killed and his dead body was
hurriedly cremated.

Mr. Viveka Nand Vivek learned counsel for the
petitioner submits that the deceased was suffering from

appendicitis since the year 2011. The deceased got abdominal pain and while she was being taken to hospital she died.

During the course of investigation, the investigating officer submitted final form stating that the deceased died due to appendicitis and ultra sound of the year 2011 showed that she was suffering from Appendicitis.

It appears that the learned Chief Judicial Magistrate took cognizance differing with the findings of the investigating officer on a cogent and sound reason that the informant and other family members have very categorically made allegation that the petitioner being the husband was subjecting his wife to torture due to non-fulfillment of demand of dowry. The wife of the petitioner died within two years of her marriage and dead body was cremated hurriedly. Even postmortem was not allowed to be done on the dead body.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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