

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42076 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -KARTAHA District- VAISHALI(HAJIPUR)

1. Sanjeev Kumar @ Sanjeet Kumar @ Bhola S/o Ramchandra Rai
Resident of Village Chandwara, P.S. Kartaha, District Vaishali (Hajipur).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Parmanand Pd.(App)

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 14-10-2015 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner namely, Sanjeev Kumar @ Sanjeet
Kumar @ Bhola apprehends his arrest in Kartaha P.S. Case No.19
of 2015 under Section 304(B)/201 and 34 of the Indian Penal
Code.

The learned counsel for the petitioner submitted that the
petitioner is the husband of the deceased. The marriage took place
five years ago in the year 2010. No case under Section 498 I.P.C.
was ever instituted by the deceased against the petitioner or his
family members. The informant i.e. brother of the deceased
because of wrong impression lodged the F.I.R. and subsequently
he has filed an application before the Court which has been

annexed as Annexure 3 to the application wherein he has clearly stated that the petitioner never demanded any dowry and that she was never subjected to cruelty and that she died because of Mirgi(epilepsy).

On the other hand, the learned A.P.P. vehemently opposed the prayer and submitted that in view of the statements made in Annexure 3 by the informant, it appears that either the F.I.R. is correct or the statements made in Annexure 3 is correct and both cannot be true. Therefore, it is a fit case for a complaint to be filed under Section 340 Cr.P.C. The learned A.P.P. further submitted that the court below should be directed to initiate a complaint proceeding against the informant in view of his statement made in the application filed before the Court in Annexure 3. The learned A.P.P. further submitted that the petitioner is the husband and admittedly, according to the F.I.R., the deceased was subjected to cruelty in connection with demand of dowry. Now, therefore, the petitioner has to explain that this death was not dowry death in view of Section 113 of the Indian Evidence Act.

In view of the submission of the learned counsel for the petitioner and learned A.P.P. and considering the fact that death occurred within seven years of the marriage and there is specific

statement in the F.I.R. by the brother of the deceased to the effect that she was being subjected to cruelty in connection with demand of dowry, I am not inclined to grant bail to the petitioner who is the husband.

Accordingly, this bail application is rejected.

(Mungeshwar Sahoo, J)

Saurabh/-

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