

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38330 of 2014

Arising Out of PS.Case No. -43 Year- 2013 Thana -SULTANGANJ District- PATNA

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1. Md. Shahanwaz Anwar @ Md. Shahnawaz son of Md. Anwar Resident of Dariyapur Fakirbara, Police Station - Pirbahore, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Rais

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 23-07-2015 Heard the Counsel for the petitioner and Mr. Dayal, APP for the State.

Petitioner, being the husband of the deceased, is facing accusations punishable under Section 304B IPC.

A complaint was lodged by the father of the victim which was later treated as an F.I.R. alleging that while her daughter was in the hostel for coaching, she married against the will of the complainant/informant with the petitioner. The litigation for such kidnapping and forceful marriage ultimately ended in favour of the petitioner. After the acquittal recorded in the said case, the petitioner started torturing the deceased. Ultimately, she was done to death in the matrimonial home by hanging. The post mortem indicates ligature mark on her neck.

Contention of the petitioner is that from the background set out in the F.I.R. itself, there does not appear a question of demand of dowry. He has also drawn attention of the Court to the statement of the victim recorded under Section 164 Cr.P.C. (Annexure-2) recorded in connection with the previous case. It has, therefore, been argued that the allegations against the petitioner are concocted.

Mr. Dayal, APP, conversely submitted that the victim was living in the house of the petitioner as his wife. Circumstances were created which might have forced the deceased to commit suicide if the case of the petitioner is to be accepted. The investigation is still in progress.

Having considered the submission of the parties, in my view, this is not a fit case where the privilege of anticipatory bail can be extended to the petitioner. Prayer is, accordingly, rejected.

Petitioner may surrender and seek bail in the Court below.

(Kishore Kumar Mandal, J)

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