

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19750 of 2016

Arising Out of PS.Case No. -57 Year- 2016 Thana -RAJPUR District- BUXAR

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Raju Sah, Son of Tarkeshwar Sah, Resident of village - Shahbazpur, Police
Station - Rajpur, District - Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Baxi S.R.P. Sinha, Sr. Advocate
Mr. Rahul Nath, Advocate

For the S t a t e : Mr. Madan Kumar(APP)

For the Informant : Mr. K.M. Joseph, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 10-08-2016 Heard learned Mr. Baxi S.R.P. Sinha, learned Senior

Counsel for the petitioner and Mr. K.M. Joseph, learned counsel

for the informant. Learned counsel for the State is also present.

The petitioner is apprehending his arrest in connection

with Rajpur P.S. Case No.57 of 2016 registered for the offence

under Section 304B/34 of the Indian Penal Code, which is

pending in the court of the learned Chief Judicial Magistrate,

Buxar.

Mr. Baxi S.R.P. Sinha, learned Senior Counsel

appearing on behalf of the petitioner submits that actually it is

not a case under Section 304B of the I.P.C. as the marriage took

place 13 years back. It is further submitted that the girl had a

history of mental ailment and that she died out of electrocution.

Learned counsel for the informant submits that the death occurred not out of electrocution, but the victim girl had been burnt to death and reek of kerosene was coming out from her body. Furthermore, in the post-mortem report the doctor has also opined that there was smell of kerosene and it was not a case of electrocution.

Learned counsel for the State after perusal of the case diary submits that the I.O. has inspected the place of occurrence and he has stated that the death was caused due to burn injury. The girl having suffered hundred per cent burn injury on account of fire and kerosene had been found to have been used.

Considering the entire facts and circumstances of the case and that the petitioner is the husband and though not coming within the purview of Section 304B I.P.C., yet the responsibility of the petitioner cannot be overruled. As such, I am not inclined to grant anticipatory bail to the petitioner. It is, accordingly, rejected.

(Anjana Mishra, J)

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