

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8000 of 2016

Arising Out of PS.Case No. -223 Year- 2015 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

=====

1. Ajay Kumar Son of Late Rameshwar Bind resident of village - Gagaur,
P.S. Korma, District - Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

2. Chandeshwar Bind Son of Late Shobhan Bind resident of village -
Rajopur, P.S. Chewara, District - Sheikhpura

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party : Mr. Binit Kumar

For the State : Mr. Raj Kishore Singh (APP)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

4 24-06-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State as well as learned
counsel for the Complainant.

It is submitted on behalf of the learned counsel for the
petitioner that though the marriage was within seven years, yet it
has come on record that the victim lady died of snake-bite and not
on account of torture being meted out by the petitioner with regard
to demand of dowry.

The Police after investigation have also found the case to be
untrue and has submitted chargesheet holding it to be a mistake of
fact. However, the Court has taken cognizance of the offence on
the basis of a protest petition filed by the Complainant.

Learned counsel for the Complainant submits that right
from the beginning, the Police had been playing an extremely

negative role and had not registered the First Information Report which necessitated the Complainant to go to the Superintendent of Police for further direction and for getting the First Information Report registered. He also submits that body was surreptitiously cremated, and even though the Police knew about the death had failed to take any action in the matter. Moreover, the case was registered under Section 302 of the Indian Penal Code and not under Section 304-B of the Indian Penal Code which casts a serious cloud on the conduct of the Police officials also. The diary which was received in this case also reveals that the Police have found that it was a case of snake-bite as stated by the petitioner.

However, considering all facts and circumstances, the fact that the petitioner is the husband who failed to take appropriate action and did not register a case of unnatural death even though the marriage was within 14 months of date of death, and also because the Police have negative role to play all along, specially, in registering the case under Section 302 of the Indian Penal Code, I am not inclined to grant anticipatory bail to this petitioner. It is accordingly rejected.

(Anjana Mishra, J)

Saif/-

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