

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 42656 of 2016

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Viren Ray @ Arvind Ray S/o Rajeshwar Ray, Resident of- Raghapur Bihta
More, P.S.- Bihta, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Hira Yadav, S/o Late Raghuvir Yadav, R/o Vill.- Mihki Tola, P.O. –
Sinha ghat, P.S.-Barhara, Police Post – Sinha, Dist. – Bhojpur (Bihar).

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar

For the Opposite Party/s : Mr. Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 05-12-2016 Heard Sri Shiw Kumar Prabhakar, learned counsel for
the petitioner, Sri Madhuranand Jha, learned Addl. Public
Prosecutor as well as Sri Prabhat Kumar Singh, learned counsel,
who has appeared on behalf of opposite party no. 2.

The petitioner, husband of the informant (daughter of
opposite party no. 2), has prayed for grant of anticipatory bail in
Bhojpur Mahila P.S. Case No. 71 of 2016 registered for offence
under Sections 323, 498(A)/ 34 of the Indian Penal Code and
Sections 3 & 4 of the Dowry Prohibition Act, 1961.

The present F.I.R. was initiated on the basis of a
complaint petition, which was filed by the victim, in which, she
had alleged that she had been tortured for non-fulfillment of the
dowry and thereafter, the accused persons poured kerosene oil and



she was set on fire, however; in injured condition, she fled away to her parent's house and thereafter, complaint case was filed.

Learned counsel for the petitioner submits that subsequently, the victim was provided full medical assistance by the petitioner and his family members, however; during treatment, she died. It was orally argued by learned counsel for the petitioner that even at the time of cremation, parents of deceased also participated, but subsequently, they have taken U-turn and filed false case.

In this case, earlier case diary was called for by order dated 06-10-2016 passed by a coordinate Bench (Hon'ble Mr. Justice Dinesh Kumar Singh). While calling for case diary, this Court had directed not to take any coercive step against the petitioner. The case diary is on record.

Learned Addl. Public Prosecutor, by way of referring to F.I.R., submits that the re-statement of victim/informant was recorded and in that re-statement, she had reiterated the allegation.

Besides hearing, I have also perused the materials on record. On perusal of the case diary, the Court is of the opinion that the case is not being investigated in its right perspective. So far as grant of anticipatory bail is concerned, once there was specific accusation by the victim that she was poured with



kerosene oil by the accused persons with a view to kill her, she was set on fire and subsequently, she died and also the fact that marriage of the deceased was solemnized in the year 2008 itself, in normal course, in such cases, there is no point for grant of anticipatory bail. The re-statement of the victim also corroborates the allegation and as such, the prayer for grant of anticipatory bail of the petitioner, who is husband of the deceased, stands dismissed.

In view of dismissal of this petition, the interim order of stay dated 06-10-2016 stands vacated.

The Court is of the opinion that the Senior Superintendent of Police, Bhojpur may take personal interest in the matter so that investigation in the case may proceed in its right perspective.

Let a copy of this order be sent to the concerned Senior Superintendent of Police.

(Rakesh Kumar, J.)

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