

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36918 of 2016

Arising Out of PS.Case No. -164 Year- 2016 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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Sukesh Kumar Ray Son of Maheshwar Ray Resident of Village- Sarangpur,
P.S. Tajpur (Halai) District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Vijay Roy , s/o Late Raghu Nandan Roy, resident of village Lagunia
Suryakanth, P.S. Muffasil, District Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 11-11-2016 Heard Sri Surya Narayan Roy, learned counsel for the

petitioner , Sri Bisheshwar Ram, learned Additional Public

Prosecutor as well as Sri Dilip Kumar Rai, learned counsel who

has appeared on behalf of the informant / opposite party no. 2 on

notice

The petitioner has prayed for grant of bail in the event
of his arrest or surrender in Samastipur (M) P.S. Case No. 164 of
2016 registered for the offence under Section 498A, 494 of the
Indian Penal Code and Section 3 and 4 of the Dowry Prohibition
Act.

It was emphatically argued by learned counsel for the
petitioner that since last three years the wife of the petitioner was



residing in her parents house and it is also a fact that she had committed suicide by pouring kerosene oil on herself and set herself on fire . According to learned counsel for the petitioner his wife was mentally sick and she was also being treated for the said ailment. He has also referred to Annexure - 2 to the present petition i.e. prescription of one Neuro Psychiatrist to persuade the court that his wife was mentally sick and in that stage of mind she committed suicide. However learned Additional Public Prosecutor as well as learned counsel appearing on behalf of the informant opposing the prayer has drawn my attention to certain paragraphs of the case diary particularly paragraph no. 14 of the case diary and submits that it was a glaring case of application of Section 304B of the Indian Penal Code but to the reasons best known to the Police , Police after getting entire information has registered the case under section 498A and 494 of the Indian Penal Code . He further submits that it is true that three years back the daughter of the informant was sent back to her in -laws house but after noticing the fact that petitioner solemnized second marriage she committed suicide by pouring kerosene oil .

Besides hearing I have perused the material available on record . I must indicate that the learned Sessions Judge while rejecting the prayer for grant of anticipatory bail had rightly

directed for informing the Superintendent Of Police to examine application of Section 306 or Section 304B of the Indian Penal Code . Learned counsel for the informant on instruction submits that now during supervision the Dy.S.P. has directed for incorporating section 304B of the Indian Penal Code in the case also.

In view of seriousness of accusation as well as the fact that petitioner was husband of the deceased, there is no question to entertain anticipatory bail petition.

The petition stands dismissed.

(Rakesh Kumar, J)

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