

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52367 of 2015

Arising out of PS.Case No. -124 Year- 2008 Thana -BIBHUTIPUR District- SAMASTIPUR

Arjun Sah, Son of Sita Ram Sah, resident of Village : - Bharpura, P.S : - Bibhutipur, District : - Samastipur.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. Shambhu Sah Son of Late Rameshwar Sah resident of village : - Bande, P.S. : - Pattori, District - Samastipur.

.... Opposite Parties.

Appearance :

For the Petitioner : Mr. Dilip Kumar Roy, Advocate.
For the State : Mr. Dr.Kumar Uday Pratap (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-02-2016 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Bibhutipur P.S. Case No. 124 of 2008 for the offences instituted under Sections 304(B) and 201/34 of the IPC.

The prosecution story, in brief, is that the daughter of the informant, namely, Rekha Devi, was married with the petitioner Arjun Sah, six years ago according to Hindu rites and rituals. After two years of marriage, she used to reside at her matrimonial house. During that course, the petitioner and other in-laws started to demand Rs. 20,000/- as dowry and due to non-fulfilment of demand they used to torture her and also used to assault her.



Panchayati was also convened and father of the petitioner assured not to torture her in future. His daughter came to his house prior to two months of occurrence and said that the accused persons used to torture and assault her and she was not ready to go at her matrimonial house. One months before his son-in-law came for *bidagari* and on oral assurance of his son-in-law and villager, his daughter went to her matrimonial house. On 29.05.2008 at about 10 P.M. he came to know that one dead body of a girl was lying at Bharpura village. He alongwith his villagers rushed at the house of his daughter when all the accused persons were absconding and house was locked. He has every faith that the petitioner and other in-laws of his daughter committed murder of his daughter and thrown her dead body in the river *Gandak*.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no eye witness to the alleged occurrence. It is submitted that the matter has already been settled between the parties and a petition to that effect has also been filed by the informant in the court below. The said fact is admitted by learned counsel for the informant also.

On behalf of the State it has been submitted that the petitioner is the husband of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Bibhutipur P.S. Case No. 124/2008, pending in the court of the learned J.M. Rosera, Samastipur. Anyhow, if the petitioner surrenders in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)