

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27043 of 2016

Arising Out of PS.Case No. -287 Year- 2015 Thana -GARKHA District- SARAN

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Rakesh Rai Son of Subhash Rai Resident of Village- Maricha, P.S.-Garkha District- Saran at Chapra (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate.

For the Opposite Party : Mr. Gauri Shankar Gupta, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 28-09-2016 Heard both sides.

The petitioner apprehends his arrest in Garkha P.S. Case No. 287 of 2015 registered for the offences punishable under Sections 304(B), 201 and 34 of the Indian Penal Code.

The informant father of the deceased Nitu Devi alleged that his daughter was married to the petitioner on 28.06.2011. His daughter gave birth to a male child who is aged about two years. Just before ten days of the occurrence the informant sent his daughter to her Sasural. His daughter was saying that she would be killed by her husband and other in-laws. The informant came to know that his daughter was killed and her dead body was disposed of.

Learned counsel for the petitioner submits that the

petitioner is, of course, husband of the deceased but petitioner never demanded any dowry nor ever tortured his wife. The wife of the petitioner died due to chest pain. She was brought to Garkha PHC but on her way to hospital she died, but it appears from the statement of the informant and other witnesses that the petitioner was torturing his wife due to non-fulfillment of demand of dowry. The wife of the petitioner died within four years of her marriage in her Sasural and the dead body was hurriedly cremated.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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