

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29796 of 2016

Arising Out of PS.Case No. -25 Year- 2016 Thana -KHAIRA District- SARAN

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Ashok Prasad, Son of Baijnath Sah, resident of Village- Affaur, P.S
Khairah, District- Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore (App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 26-09-2016 Heard both sides.

The petitioner apprehends his arrest in Khaira (Nagar)
P.S. Case No. 25/2016, registered for the offences punishable
under Sections 304B, 201 and 34 of the Indian Penal Code.

The informant filed complaint case no. 3428/2015 on the
basis of which the present F.I.R. is registered. The informant
married his daughter with the petitioner. It is alleged that after
marriage the petitioner and other in-laws began to torture the
deceased. The daughter of the complainant filed complaint case
no. 3559/2013 against her husband and others under Section 498A
and other sections of the Indian Penal Code, but during the
pendency of the case, the case was compromised and
consequently, complaint case no. 3559/2013 was ended for

acquittal. It is submitted that immediately thereafter the petitioner killed his wife and hurriedly cremated her dead body.

Learned counsel for the petitioner submits that petitioner is of course the husband of the deceased, but she was suffering from different ailments. She was under the treatment of doctor. The petitioner took his wife to Muzaffar Nagar where she was under the treatment of Dr. M.L. Garg. She died due to cardiac respiratory arrest vide annexure 4 at page 32.

It appears that prior to death of the deceased the deceased herself filed complaint case against her husband about the demand of dowry and torture. The husband of course took her to Muzaffar Nagar, but after death the deceased was hurriedly cremated and no information was given to the family members of the deceased.

Considering the facts aforesaid and the fact that petitioner is the husband and there is allegation that the petitioner was torturing his wife due to non-fulfillment of demand of dowry, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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