

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10983 of 2016

Arising out of PS.Case No. -183 Year- 2004 Thana -KRITYANAND NAGAR District- PURNIA

Birendra Chaudhary @ Birendra Jaiswal, S/o Hira Lal Chaudhary, R/o Champa Nagar, P.S. K. Nagar (Champa Nagar), District – Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate and Mr. Dhananjaya Nath Tiwari, Advocate.

For the Opposite Party : Mr. N.N. Tiwari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-04-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with K. Nagar (Champa Nagar) P.S. Case No. 183 of 2004 for the offences instituted under Sections 304(B)/34 of the IPC.

The prosecution story, in brief, is that the informant's daughter, namely, Pinki Kumari, was married with Hira Lal Choudhary. After sometimes, the husband and in-laws of Pinki Kumari, demanded Rs. 25,000/- as dowry but the same was not fulfilled. Thereafter, the accused persons started torturing her. The husband Hira Lal Choudhary took his wife Pinki Kumari to Delhi and the husband also attempted to kill her by burning but she



could be saved. Thereafter, she returned to her matrimonial house. When the informant went at the *Sasural* of his daughter for *Bidagri*, the accused persons did not give *Bidagri* on the plea that the demand has not been fulfilled. On 23.10.2008, the informant was informed on telephone that his daughter Pinki Kumari died. On such information, the informant and others rushed to the *Sasural* of Pinki Kumari and saw his daughter dead and blood was oozing from her nose and ear. It is alleged that the accused persons committed murder of Pinki Kumari, the daughter of the informant, on account of non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is the *Dewar* of the deceased. There is no specific allegation against him. He is separate in mess and property from the husband of the deceased. He is a vegetable vendor in Delhi. He had no knowledge regarding he being the accused in the present case as he was separate in mess and property from the husband of the deceased.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and has approached the Court at a belated stage.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is

rejected in K. Nagar (Champa Nagar) P.S. Case No. 183/2004, pending in the court of the learned C.J.M., Purnea. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by this order taking into account the submissions made on behalf of the petitioner preferably on the same day.

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(Sudhir Singh, J)