

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52021 of 2015

Arising Out of PS.Case No. -451 Year- 2015 Thana -KHAGARIA District- KHAGARIA

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Shri Ram Malakar, aged about 29 years, S/o Balmukund Malakar, Resident
of Bhagat Tola, Khagaria, District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Navjot Yeshu

For the Opposite Party/s : Mr. M.Rab (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 10-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Khagaria P.S. Case No. 451 of 2015 for the offences
punishable under Sections 304(B) and 120(B) of the Indian Penal
Code.

As per prosecution case, Soni Kumari, the daughter of
the informant Sunita Devi was married with the petitioner Ram
Malakar on 28.11.2013 and she visited her in-laws home. Further,
role of the accused persons has been assigned for demanding
dowry and causing cruelty followed with assault which was
informed to her by deceased. The informant received information
on mobile phone that the accused persons, including the petitioner

have committed dowry death of her daughter for non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no eye-witness to the alleged occurrence. There is no substantive evidence to suggest his implication in the present case.

On behalf of the State and the counsel for the informant, it has been submitted that the petitioner is the husband of the deceased and the presumption under law is against him.

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

Anyhow, if the petitioner surrenders in the court below i.e. learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria P.S.Case No. 451 of 2015 within a period of six weeks, the same shall be considered and disposed of on its own merit without being prejudiced by this order.

(Sudhir Singh, J.)

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