

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3976 of 2017

Arising Out of PS.Case No. -300 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Vijay Sao, son of late Muni Sao, resident of village- Bhusunda, P.S.
Muffasil, Dist-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vijay Sao, son of Basudeo Sao, resident of village- Magdera, P.S.
Basiya, Dist- Gumla (Jharkhand).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gauri Shankar Prasad

For the Opposite Party/s : Mr. Smt. Asha Kumari

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 16-03-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Muffasil P.S. Case No. 300 of 2016 for the offence punishable under section 304 (B)/34 of the I.P.C.

Khushbu Devi, the daughter of the informant, was married to the petitioner four years ago and out of the wedlock there is a son aged 1 ½ years but due to non fulfillment of demand of dowry the petitioner and other in-laws used to torture and assault her and on 29.05.2016 the petitioner and other co-accused burnt her after sprinkling kerosene oil and closed her in a room.



On 29.05.2016 the petitioner telephonically informed the informant and then he came and found his daughter being treated at Global Hospital and thereafter she was brought at Ranchi for better treatment where during treatment she died on 11.06.2016 and then the case was lodged.

Submission is of false implication and that the occurrence is of 29.05.2016, the informant did not lodge the case earlier and after the death of his daughter he lodged false case, there is no specific allegation against the petitioner, during investigation the supervising authority has submitted final form against other co-accused and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. seriously opposes prayer for pre-arrest bail of the petitioner.

In the facts and circumstances as stated above, considering the allegation, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of C.J.M. Gaya.

(Jitendra Mohan Sharma, J)

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