

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52424 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -ADHAURA District- BHABHUA (KAIMUR)

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DHARMENDRA KUMAR SONI S/O LATE GOPAL SETH RESIDENT
OF VILLAGE-P.O.+P.S.-ADHOURA, DIST.-KAIMUR

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Nitesh Kumar, Adv.

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad, APP

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ORAL ORDER

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

3 16-02-2017 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Petitioner is the husband. Deceased died at his place within three years of her marriage leaving behind a son aged about two years. In the aforesaid background, there happens to be allegation of the informant, her father that on account of non-fulfillment of demand of dowry for which deceased was regularly subjected to torture, done to death by administering poison. The viscera report, as is evident is still awaiting however, the co-villager of the petitioner have also consistently spoken regarding consumption of poison.

Learned counsel for the petitioner has submitted that deceased was not at all present on the fateful day and on account thereof, his complicity under the present litigation is found mischievously attract. That being so, petitioner should be released



on bail.

The learned Additional Public Prosecutor opposed the prayer.

From the statement of the witnesses more particularly co-villagers of the petitioner it is apparent that petitioner happens to be cook and was employed at a hotel at Sasaram. Deceased was apprehensive from his conduct that he had developed illicit relationship with some other women and on account thereof, she was persistently offering herself to accompany which was declined by the petitioner at each and every occasion. Subsequently thereof, on the alleged date while petitioner was adamant to go to Sasaram. Some sort of an altercation took place whereupon, one theme happens to be that she committed suicide while the other version happens to be she was administered poison in the background of persistent demand of dowry. The aforesaid controversy is to be shorted out during course of trial but so far status of petitioner is concerned, considering being husband of the deceased and further, even accepting the rival submission is active involvement is there, which could be identified as an abettor and that being so, prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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