

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28757 of 2017

Arising Out of PS.Case No. -694 Year- 2016 Thana -HAJIPUR District- VAISHALI (HAJIPUR)

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Santosh Kumar, Son of Sri Mithu Sah @ Mithu Saw Resident of Village-Bamahori,
Police Station-Deo District-Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the State : Mr. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-08-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Hajipur Town P.S.
Case No. 694 of 2016 dated 05.10.2016 instituted under Sections
304B/120B/34 of the Indian Penal Code.

3. The allegation against the petitioner, who is the
husband, is of being responsible for the death of the daughter of the
informant, to whom she was married in April, 2012, on account of
non fulfillment of demand of Rs. 50,000/-.

4. Learned counsel for the petitioner submitted that the
deceased was short tempered due to which he left the house of his
parents and had moved to Hajipur where the family was living alone.
It was submitted that few months prior to the date of occurrence, the



deceased was operated upon for kidney stone in a private hospital in Patna at a heavy cost, which was bore by the petitioner. Learned counsel submitted that the petitioner is thus absolutely not responsible for the incident.

5. Learned A.P.P. submitted that not only the daughter of the deceased but the minor daughter of the deceased i.e., the daughter of the petitioner also died of asphyxia due to hanging and the reason being attributed to the deceased being short tempered cannot be accepted as a mother would not kill the daughter and if at all, she took the extreme step, the petitioner being the husband is also responsible for not creating an atmosphere where such extreme step by his wife could be avoided.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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