

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51254 of 2016

Arising Out of PS.Case No. -162 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

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1. Pawan Kumar S/o Heera Yadav Resident of Village-Rauta Khem, P.S.-
Sour Bazar, District-Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Smt. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 09-02-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 304B/328/34 of the Indian Penal Code.

The petitioner is husband of Deji Devi. Deji Devi was mother of three children. She died in unnatural circumstances in her matrimonial house. There is allegation of demand of dowry and torture for the same soon before her death against the husband and other in-laws.

Submission of the petitioner is that there is no mention of date of marriage in the F.I.R. deliberately as marriage was solemnized much prior to seven years. Hence, presumption of



law is not applicable against the petitioner and there is no eyewitness, therefore, offence under Section 302 of the Indian Penal Code is also not attracted.

His further submission is that some of the witnesses stated before the police that for some trivial quarrel in the family the deceased committed suicide. Moreover, the informant has filed petition before the Court-below that Deji Devi died of food poisoning. However, no prescription of treatment of Deji Devi has been produced.

Considering the entire facts and circumstances, in my view, this is not a fit case for anticipatory bail, hence, I am not inclined to grant anticipatory bail to the petitioner in connection with Sour Bazar Police Station Case No. 162 of 2016 pending in the Court of learned Chief Judicial Magistrate, Saharsa /Successor Court. Accordingly, the prayer for anticipatory bail is rejected. However, in the event of surrender petitioner may be given regular bail without being prejudiced by the order of this Court.

(Birendra Kumar, J)

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