

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49008 of 2016

Arising Out of PS.Case No. -43 Year- 2015 Thana -DORIGANJ District- SARAN

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Dhanraj Prasad @ Raju, Son of Gorakh Prasad, Resident of Village
Nandpur (Gudri Bazar), P.S. Haldi, District - Balia (U.P.)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ajit Kumar Advocate.

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-01-2017 Heard both sides.

The petitioner apprehends his arrest in Doriganj P.S.

Case No. 43 of 2015 registered under Sections 498A, 304B, 201,
34 of the Indian Penal Code and Sections 3 / 4 of the Dowry
Prohibition Act.

Learned counsel for the petitioner submits that the
prayer for anticipatory bail of the petitioner was earlier rejected
vide order dated 21.12.2015 passed in Cr. Misc. No. 44702/2015
but now the case has been compromised. The marriage of the
petitioner was solemnized with the deceased in the year 2006. The
petitioner got two children. The second child was born in the year
2009. Therefore, there is no ingredient to constitute an offence
under Section 304B I.P.C. but it appears that the informant made
specific allegation against the petitioner that the petitioner was torturing



the deceased as well as demanding different articles. The deceased was married to the petitioner on 12.05.2009.

Considering the facts aforesaid, the prayer for bail of the petitioner, who is the husband of the deceased, was rejected on 21.12.2015 but the petitioner did not surrender. Now, the petitioner moved this Court on fresh ground that the case has been compromised but I am not persuaded to change my view as the offence is of 304B of the Indian Penal Code which is non-compoundable. Considering the facts aforesaid, the prayer for anticipatory bail of the petitioner in Doriganj P.S. Case No. 43/15 is once again rejected.

(Prabhat Kumar Jha, J)

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