

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53428 of 2016

Arising Out of PS.Case No. -216 Year- 2014 Thana -BELDAUR District- KHAGARIA

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Brajesh Singh, S/o Ashok Singh, Resident of Village-Sattma, Satyanarayan
Singh Basa, P.S.-Beldaur, District-Khagaria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate
Mr. Arun Kumar Gupta, Advocate

For the Opposite Party : Mr. Rajkishore Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-02-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Beldaur P.S.
Case No. 216 of 2014 instituted for the offence under Section
304(B)/34 of the Indian Penal Code.

The petitioner is husband of the deceased. There is
allegation that deceased was married with this petitioner about two
years back. It is alleged that on 05.12.2014 she was killed by
administering poison on account of non-fulfillment of demand of
dowry.

It has been submitted on behalf of the petitioner that
husband was not living in the house. The witnesses have stated
that the deceased wanted to go to Delhi to live with the petitioner
for which he was not ready on account of his poor economic
condition.



Learned A.P.P. has submitted that the deceased died unnatural death in her sasural. Froth was found coming from her mouth as it appears from the inquest report on para-8 of the case diary.

The viscera has been preserved as per postmortem report. From the allegation levelled against the petitioner and the statement of the witnesses recorded in the case diary in paras-67 and 68, it appears that victim wanted to live with her husband for which he was not ready. It further appears from paras-3 and 4 of the case diary that the witnesses have stated about committing torture by this petitioner and other accused persons. From inquest report, it appears that froth was coming out from her mouth.

In such circumstances, this court is not inclined to grant the petitioner anticipatory bail. Accordingly, this anticipatory bail petition is hereby rejected.

The petitioner is directed to surrender before the court below within four weeks from today and seek regular bail which shall be disposed of in accordance with law preferably on the same day without being prejudiced by this order.

(Sanjay Priya, J.)

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