

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11096 of 2017

Arising Out of PS.Case No. -43 Year- 2016 Thana -BARURAJ District- MUZAFFARPUR

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Mukesh Sah, Son of Nandu Sah, resident of Village- Mahamada Kharwa
Tola, P.S.- Baruraj, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-04-2017 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 and
201/34 of the Indian Penal Code.

Petitioner is the husband of Soni Kumari who
allegedly died due to torture on account of non-fulfillment of
dowry demand.

Submission of the petitioner is that some other co-
accused were allowed anticipatory bail in Cr.Misc.No.1923 of
2017 by a coordinate Bench of this Court considering the fact that
they were separate from the deceased and her husband and there
was no specific allegation against them. Further submission is that



presumption of dowry death is not there as death was caused after 7 years of marriage. Submission is also that some of the witnesses have stated before the police that family members including the informant had participated in the cremation of the victim.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, his prayer for anticipatory bail in connection with Baruraj P.S. Case No.43 of 2016 pending in the court of Shri A.K. Tiwary, the learned Judicial Magistrate-1st Class, Muzaffarpur is refused.

(Birendra Kumar, J)

Arvind/-

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