

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28958 of 2017

Arising Out of PS.Case No. -117 Year- 2017 Thana -LAKHISARAI District- LAKHISARAI

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Mukesh Kumar, Son of Yogendra Roy, Resident of Mohalla- Punjabi Colony,
Ward no. 15, P.S.- Kabaiya, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Deep Anshuman, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-08-2017

Heard learned counsel for the petitioner, State and the
informant, who has *suo motu* appeared.

2. The petitioner apprehends arrest in Lakhisarai
(Kabaiya) P.S. Case No. 117 of 2017 dated 17.03.2017 instituted
under Sections 304B/120B of the Indian Penal Code.

3. The allegation against the petitioner and four others
is of torturing the petitioner and demand of dowry, leading her to
commit suicide.

4. Learned counsel for the petitioner submitted that he
is the elder brother of the husband of the deceased and working in the
Life Insurance Corporation of India and living separately. It was
submitted that he has no role to play in the matter and further even in
the *fardbeyan* it has come that the immediate cause of committing
suicide by the deceased was hot conversation on phone between her



and the husband i.e., the brother of the petitioner. Learned counsel submitted that the petitioner has no criminal antecedent and further, the wife of the petitioner and her family members have no grievance against the petitioner which indicates that he is not a sort of person to hanker for dowry and torture any person.

5. Learned A.P.P. and learned counsel for the informant submitted that the petitioner was an active participant in the torture meted out to the deceased, both mentally and physically, and the same has also been well documented in the personal diary of the deceased written in her own pen. It was submitted, on the basis of the case diary, that various witnesses, including independent witnesses, have supported the fact of the deceased narrating about torture by the petitioner and his wife, whom she has held primarily responsible in her written dairy which has been taken note of during investigation by the police.

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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