

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17189 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -DARIYAPUR District- SARAN

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1. Shyam Kumar Sharma S/o Gautam Sharma resident of Village - Bela
Sharma Tola, P.S. Dariyapur, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Md. Ansarul Haque, APP

For the Informant : Mr. S.K. Singh, Advcoate

Mr. Randhir Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 22-06-2017 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 offence punishable under Section 304B of the
Indian Penal Code.

Petitioner is husband of victim Kiran Devi, who died
within seven years of marriage in her matrimonial house in
unnatural circumstances.

Allegation is of demand of dowry and torture for the
same before death of the victim. Further allegation is that she
was throttled to death by tying her neck with rope.

Submission of learned counsel for the petitioner is that



the victim was mother of a child. She was suffering from mental disorder and for that reason she might have committed suicide. The doctor has found a case of hanging as per post mortem report.

On the other hand, learned counsel for the informant as well State opposed the prayer on the ground that other witnesses have also supported the allegation of demand of dowry and torture for the same. In case of dowry death it is immaterial whether death was caused by throttling or hanging or it was a case of suicide.

Considering the nature and seriousness of allegation, I am not inclined to grant anticipatory bail to the petitioner in connection with Dariyapur Police Station Case No. 16 of 2017, pending in the Court of learned Chief Judicial Magistrate, Saran at Chapra/Successor Court. Hence, the prayer for anticipatory bail is refused.

(Birendra Kumar, J)

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