

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49163 of 2017

Arising Out of PS.Case No. -66 Year- 2017 Thana -KOILWAR District- BHOJPUR

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1. Dhiraj Kumar @ Bishnu Shankar Rai, son of late Naresh Yadav,
resident of village- Gidha, P.S.- Koilwar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Anant Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 17-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Koilwar P.S.**

Case No.66 of 2017 instituted for the offence under Section(s)
498-A, 302/34 Indian Penal Code pending in the Court of the
Chief Judicial Magistrate, Bhojpur, Ara.

Petitioner is husband of the deceased. There is
allegation in the written report that petitioner informed the
Informant on his mobile that his daughter is ill and when he
reached her *Sasural*, he found his daughter dead.

Case diary has been received.

Counsel for the petitioner has submitted that in the
case diary except suspicion there is no specific allegation against
this petitioner.



Learned APP after looking into the case diary has submitted that the Informant in his further statement has stated that he has suspicion that the petitioner has committed torture on account of which his daughter has died. Other witnesses have also raised suspicion against this petitioner.

Statement of Dr. Shatrudhan Prasad is available in para 29 of the case diary, wherein, he has stated that the deceased was brought in the hospital in unconscious state. There was no pulse available and thereafter she was referred to higher centre where she is said to have died.

In the post mortem report, it is mentioned that various viscera have been preserved.

In this manner, from the written report as well as case diary, it is apparent that the deceased died unnatural death in her *Sasural*. The witness has stated in para 29 of the case diary that deceased was brought in the hospital in unconscious state from her matrimonial house. There is no explanation either in the written report or in the case diary about the disease from which the victim was suffering.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail



is rejected.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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