

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7916 of 2018

Arising Out of PS.Case No. -148 Year- 2017 Thana -BHANGWANPUR HAT District- SIWAN

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Lav Kumar S/o Ram Dayal Manjhi, R/o Village- Rampur Kothi, P.S.-
Bhagwanpur Hat, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Shashi Shekhar Kishore

For the Opposite Party/s : Mr. Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-04-2018 Heard the learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in connection
with Bhagwanpur Hat PS case no. 148 of 2017 registered for the
offences punishable under Sections 304(B) of the Indian Penal
Code.

The case of the prosecution is that the daughter of the
informant was married with the petitioner herein on 19.04.2017,
whereafter the victim girl had gone to her matrimonial home,
however, in-laws of the victim girl used to harass the victim girl
for dowry and used to demand a car. It has been further alleged
that on 26.06.2017 the father-in-law and the mother-in-law of the
victim girl brought her to her parents' home in a dead state and



thereafter deceased was taken to Sadar Hospital, Siwan, but the doctor had declared her brought dead. It has been alleged by the informant that his grand daughter has been killed by her husband, father-in-law and mother-in-law.

The learned counsel for the petitioner submits that the fact is that the victim girl died during the course of delivery when her treatment was going on since she was pregnant. It is further submitted that the petitioner has got no role to play. The case diary would bear out that neither any injury has been found on the body of the deceased nor anything has come out in the viscera report of the Forensic Science Laboratory.

I have heard the learned court for the parties and perused the materials on record as also the case diary. From perusal of the case diary it is clear that the witnesses have supported the facts stated in the FIR. In fact, the police, during the course of investigation, has found the case to be prima facie true against the accused persons under Section 304B of the Indian Penal Code as is stated in the supervision note of the police officials.

Another aspect of the matter is that initially an anticipatory bail petition of the petitioner herein was dismissed by the learned court below by an order dated 11.10.2017 and the



petitioner was directed to surrender before the concerned court and take regular bail, however, the petitioner herein did not obey the orders of the learned court below and thereafter again filed an anticipatory bail petition before the 4th Additional District & Sessions Judge, Siwan and the same has also been dismissed by the impugned order dated 18.1.2018 on account of the gravity of the crime committed by the accused persons. It is pertinent to state that the order dated 11.10.2017 passed by the learned court below, rejecting the anticipatory bail petition of the petitioner herein and directing him to surrender and pray for regular bail, has remained unchallenged.

Considering the gravity of the charges as also the complicity of the petitioner in the death of his wife and the materials available in the case diary, which was collected during the course of investigation, I am of the opinion that the present case is not a case of grant of anticipatory bail.

The prayer of the petitioner for grant of anticipatory bail is rejected.

(Mohit Kumar Shah, J)

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