

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.15182 of 2018**

Arising Out of PS. Case No.-123 Year-2016 Thana- DANAPUR District- Patna

Surendra Ram @ Surendra Dom S/o Suresh Ram, R/o Village and P.S.-  
Mushrakh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar  
For the Opposite Party/s : Smt. Sucheta Yadav

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      09-04-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 498A, 323, 307, 34, of the Indian Penal Code and  $\frac{3}{4}$  of Dowry Prohibition Act. Section 304B of the Indian Penal Code was later added in this case.

Allegation against the petitioner is of committing torture and assault upon the victim and thereafter killed the deceased due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. It has been submitted on behalf of the petitioner that he has falsely been implicated in the present case due to mistake



of facts. The present prosecution is a malicious prosecution for mala fide reason. Same has been instituted against the petitioner and other family members.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. He is the husband of the deceased. The onus is on him to explain the cause of death. The witnesses in the case diary have supported the prosecution case whose statements have been recorded in paragraph Nos. 5, 6, 7 and 10 of the Case Diary.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

**(Sudhir Singh, J)**

Pankaj/-

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