

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.55068 of 2017**

Arising Out of PS. Case No.-63 Year-2016 Thana- ARER District- Madhubani

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Mukesh Kumar Jha @ Aashish Kumar Jha @ Mukesh Jha @ Aashis Jha S/o Harshit Jha Resident of Village Depura, P.S. - Benipatti, District - Madhubani, presently residing 243 P.S. - Jam Nagar Town Pahi Road, Shuklaganj, Kanpur (U.P.) P.S. Jamnagar(Town).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Ajay Kumar Jha

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      06-02-2018              Heard learned counsel for the petitioner and learned APP  
for the State.

Petitioner apprehends his arrest in Arer P.S. case no. 63 of 2016 instituted for the offence under Section(s) 306 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Petitioner is the husband of the deceased.

In the written report it is alleged that sister of the informant was married with this petitioner on 27.4.2016. She went to her matrimonial house with her husband at Kanpur. After completion of Duragaman ceremony she was tortured by this petitioner and other family members for demand of two wheeler, ornaments, furniture etc. It is further alleged that on 16.7.2016 for the purpose of Nagpanchmi pooja the brother of



the informant went to matrimonial house of his sister to Kanpur for Bidagiri and before him also this petitioner abused him and his family members have also made demand of dowry and also insulted both the sister (since deceased) and the brother of the informant. The brother of the deceased brought her to his house for Nagpanchmi. It is further alleged that on 23.7. 2016 just one day before the incident the sister of the informant ( since deceased) made request with her husband to come in Nagpanchimi puja on 23.7.2016 which is a traditional ritual for new couple but he abused and threatened her and did not come. It is alleged that mother-in-law of the sister of the informant and Nanand mentally tortured her on mobile phone and thereafter on 24.7.2017 in a village near pond she committed suicide by drowning herself.

Learned counsel for the petitioner pointed out Annexure-2 which is a case lodged by this petitioner against his wife after her death making certain allegation against her character. This Court finds that this has been filed merely as defence which further shows the conduct of petitioner of causing disrepute to her even after death and such conduct of petitioner further confirms that he was not behaving properly with the sister of informant.



From the postmortem report and the allegation in the written report, it is apparent that she died unnatural death on account of torture committed by this petitioner. Therefore, this Court does not find it a fit case for grant of anticipatory bail. Prayer for anticipatory bail is, accordingly, rejected.

Petitioner may surrender before the Court below and seek regular bail which will be considered/disposed off on its own merit without being prejudiced by the present order.

**(Sanjay Priya, J)**

shyambihari/-

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