

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48785 of 2017

Arising Out of PS.Case No. -30 Year- 2017 Thana -BARH District- PATNA

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Nitish Kumar, S/o Om Prakash Paswan, Resident of Village- Etawa, P.S.-
Barh, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Atul Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Barh P.S. Case No. 30 of 2017** instituted for the offence under Sections 304B/34 of the Indian Penal Code.

The petitioner is husband of the deceased.

There is allegation in the written report that petitioner was married with daughter of the informant (since deceased) about three years back. She was tortured for demand of dowry as alleged in the written report. The informant received information by his daughter on telephone just prior to her death i.e. on 27.1.2017, that she has been tortured in her sasural by the petitioner and other accused persons for demand of dowry. It is further alleged that on 28.01.2017 the informant got information that his daughter has been killed in her Sasural by administering poison by her husband and other family members. The



informant reached the sasural of his daughter and found her dead.

Learned counsel for the petitioner has referred paragraph- 21 of the case diary and argued that daughter of the informant died after consuming insecticide. There is however no document to show that she ever got treatment for consuming insecticide.

It is admitted position that she died in her sasural and just one day prior to her death, she had informed her parents, about torture committed by her husband and other accused persons. The post mortem report is available in the case diary from which it appears that no definite cause of death could be ascertained.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail which shall be disposed off by the court below in accordance with law without being prejudiced by this order..

(Sanjay Priya, J)

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