

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8875 of 2019

Arising Out of PS. Case No.-221 Year-2018 Thana- MADHUBAN District- East Champaran

1. MAHAVEER BHAGAT @ MAHABIR BHAGAT Son of Late Ramvirich Bhagat resident of Village- Madhopur, P.S. Madhuban, District-East Champaran.
2. Pratima Kumari daughter of Mahaveer Bhagat alias Mahabir Bhagat resident of Village- Madhopur, P.S. Madhuban, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 14-05-2019 It appears that the petitioner no.2, namely, Pratima Kumari, has already been granted the privilege of pre-arrest bail by a Bench of this Court vide order dated 14.02.2019, as such, today, only the prayer of the petitioner no.1, namely, Mahaveer Bhagat alias Mahabir Bhagat, for grant of privilege of pre-arrest bail is being considered.

Heard.

The petitioner no.1, above named, apprehends his arrest in connection with Madhuban P.S. Case No.221 of 2018 registered under Sections 304B/34 of the Indian Penal Code, pending in the court of the 4th Additional Chief Judicial Magistrate, Motihari, East Champaran.



The accusation is that the deceased, the daughter of the informant, was subjected to torture for non-fulfillment of the dowry demand of cash Rs.3,00,000/- by her husband and other in-laws and, ultimately, they killed her by pressing her neck.

Learned counsel appearing on behalf of the petitioner no.1, above named, submits that he is the father-in-law of the daughter of the informant and there is general and omnibus allegation against him and other family members to press the neck of the daughter of the informant due to non-fulfillment of the dowry demand of cash Rs.3,00,000/-. Further submission is that Brijesh Kumar, the husband of the daughter of the informant, is already in custody.

On the other hand, learned A.P.P. for the State submits that in paragraphs-8 and 9 of the case diary, the witnesses, who are neighbours of the petitioner no.1, have clearly stated about pressing the neck of the daughter of the informant by the petitioner no.1, above named, and in the post-mortem report, the cause of the death of the deceased was found asphyxia due to pressing of neck.

Having considered the facts and the circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner no.1, above named, and, accordingly, his prayer for



grant of anticipatory bail stands rejected. However, he is directed to surrender before the court below and pray for regular bail, which shall be considered by the court below in accordance with law without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

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