

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 12279 of 2020**

Arising Out of PS. Case No.-56 Year-2019 Thana- GOPALPUR District- Gopalganj

LAV PRASAD S/o Rajdeo Prasad R/o village- Chailwa, P.S.- Gopalpur,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr Kalyan Shankar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **03-06-2020** The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard Mr Lokesh Kumar Singh, learned counsel for the petitioner as well as Mr Kalyan Shankar, learned APP for the State.

Petitioner seeks bail in a case initially registered under Sections 498A, 307/34 of Indian Penal Code (for brevity, *IPC*) and Sections 3/4 of Dowry Prohibition Act but subsequently added with Section 304B of IPC.



Informant has lodged the case alleging that his sister was assaulted and tortured for non-fulfillment of dowry demand. The allegation is of setting her ablaze after pouring kerosene oil on her body. Petitioner's counsel submits that initially the prosecution was launched under Sections 498A, 307/34 of IPC and Sections 3 of Dowry Prohibition Act. During course of treatment, the informant's sister succumbed to the injuries where after Section 304B of IPC was also added. It is further submitted that the burn injuries were sustained on account of an accident. The petitioner is innocent and it is a case of false implication. It is also submitted that the petitioner took all adequate steps for ensuring treatment. However, unfortunately, the victim succumbed to the burn injuries.

The learned APP for the State has opposed the prayer for bail. It is submitted that the specific allegation of demand of dowry and torture leading to death of victim is mentioned in the first information report. Case diary also suggests that the allegations are of severe in nature. The petitioner, being husband, owes prime responsibility towards safety and dignity of his wife, which has obviously been compromised.

Considering the rival submissions and the gravity of the allegations, this Court, for the present, is not inclined to



allow the prayer for bail. The same is rejected.

(Madhuresh Prasad, J)

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