

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17316 of 2020**

Arising Out of PS. Case No.-165 Year-2019 Thana- DERNI BAZAR District- Saran

RAJESH KUMAR Sonof Madan Mohan Sharma Resident of Village -
Kakarahat Thika, P.S.- Derni, Dist.- Saran. Petitioner
Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Rana Ishwar Chandra, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 01-09-2020 Heard learned counsel for the petitioner and Mr. Fahimuddin, learned APP for the State in absence of Mr. Ahmad Ali, learned APP.

The petitioner in the present case is the husband of the deceased who is seeking pre-arrest bail in connection with Derni P.S. Case No. 165 of 2019 registered for the offences punishable under Sections 498(A), 304(B) and 120(b) of the Indian Penal Code.

Learned counsel for the petitioner submits that although the case was initially registered under Section 304(B) IPC but in supervision the case has been found true under Section 306 IPC and police has submitted a provisional chargesheet under Section 306/34 of the IPC only.

It is further submitted that the deceased was suffering from mental disorder and while she had gone near the well, she



appears to have slipped in the well and died. The Post Mortem Report is also showing asphyxia due to drowning.

On the other hand, learned APP for the State submits that in course of investigation the witnesses have supported the allegation of torture for demand of dowry. It is further submitted that all the medical papers which have been sought to be relied upon to show that the deceased was suffering from mental disorder are of the period after the marriage was solemnized. There is no medical paper showing that prior to marriage the deceased was suffering from any mental disorder, moreover, these papers do not inspire confidence. The petitioner is the husband and the dead body of the deceased has been recovered from the well.

Having regard to the facts and circumstances of the case, the fact that the petitioner was recently married to the deceased and then there are allegations that she had been tortured for dowry and the contention that she was suffering from mental disorder is not finding support from any scientific test report rather the papers brought before the Court are not inspiring confidence, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. The prayer for anticipatory bail is, thus, refused.



In case the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court.

The application stands dismissed.

(Rajeev Ranjan Prasad, J)

avin/-vats

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

