

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20346 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- RAJPUR District- Buxar

SRIKANT RAM, son of Late Shivnath Ram, resident of Village –Uttampur,
Police Station Rajpur, District Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. (Dr.) Kamal Deo Sharma
For the Opposite Party/s	:	Mr. Anuj Srivastava
For the informant	:	Mr. Anil Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 21-07-2020 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioner apprehends his arrest in connection with Rajpur Police Station Case No. 14 of 2020, registered for the offences punishable under Sections 304-B/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the brother of the informant received a phone call from the father-in-law of the sister of the informant (now deceased) that his sister is suffering from severe pain. On this information, the informant and other villagers arrived at the matrimonial house of the deceased and found that her sister was



lying dead in the courtyard.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. He, referring to the First Information Report, submits that no motive has been attributed against the petitioner and the petitioner has merely been named in the First Information Report. He further submits that no demand of dowry has been alleged in the First Information Report. He also submits that the petitioner is the father-in-law of the deceased and the husband of the deceased is in custody.

On the other hand, learned Additional public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that the petitioner is named in the First Information Report and as per the First Information Report, there is direct allegation against the petitioner and the sister of the informant has died in suspicious condition within seven years of marriage, as such there is presumption in law under Section 113-B of the Evidence Act, that the petitioner and others have committed the offence. He further submits that no reasonable justification has been given by the petitioner regarding the death of her daughter-in-law in her matrimonial home.



Learned Counsel for the informant submits that no reasonable explanation has been given by the petitioner regarding the circumstances in which the sister of the informant has died in her matrimonial home. He further submits that as per the post-mortem examination report, the sister of the informant died of asphyxia due to strangulation.

After having heard learned Counsel for the parties and taking into consideration the materials available on record, it is evident that the deceased died within one year of the marriage in her matrimonial home and the petitioner is named in the First Information Report, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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