

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64116 of 2019

Arising Out of PS. Case No.-8 Year-1999 Thana- RAJAPAKAR District- Vaishali

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Bachcha Pandey (Male), aged about 54 years, S/o Shri Kamal Pandey
Resident of Village - Harpur Mukund, P.O. Bakhari Supain, P.S.- Raja Pakar,
Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan

For the Opposite Party/s : Mrs. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6. 14-02-2020 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Raja Pakar P.S.

Case No. 08 of 1999 registered for the offence under Sections
304(B), 201/34 of the Indian Penal Code.

As per prosecution case, the sister of the informant
was married to petitioner in the year 1993 and in the marriage,
gifts worth Rs. 50,000/- was given to petitioner's side, but after
the marriage, petitioner and his family members demanded
motorcycle as dowry, for which, father of the informant
expressed his inability. Thereafter, all the family members,
including petitioner, started torturing informant's sister and on
02-02-1999, the informant was informed by some unknown
person that his sister had died and accused persons were
carrying her dead body at Biddupur Ghat for cremation. The
petitioner is husband of the deceased.



It is submitted on behalf of petitioner that petitioner is innocent and has falsely been implicated in this case. It is further submitted that the offence alleged under Section 304(B) and 34 of the Indian Penal Code does not make out against the petitioner. There is no eye-witness to the occurrence.

However, on perusal of paragraph no. 143 of the case diary, it is evident that a very highly poisonous substance was detected in the viscera examination of the deceased and as such, order of cognizance has rightly been passed under Sections 304(B), 201/34 of the Indian Penal Code. The F.I.R. was lodged in the year 1999 and chargesheet was submitted way back in the year 2009 and after lapse of several years, the prayer of anticipatory bail has been made by the petitioner, who is husband of the deceased. I do not find any ground to extend him privilege of anticipatory bail.

Accordingly, the anticipatory bail petition stands dismissed.

(Prabhat Kumar Singh, J.)

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