

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27739 of 2020**

Arising Out of PS. Case No.-66 Year-2018 Thana- AZIMABAD District- Bhojpur

1. MITHU KUMAR Son of Late Prayag Ram
  2. Mina Kuar W/o- Late Prayag Ram
- Both are R/o Village- Chilhar, P.S.- Azimabad, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar,Adv  
For the Opposite Party/s : Mr.Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      20-01-2021                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 304(B),34 of the Indian Penal Code.

Daughter of the informant was married with co-accused-Nandan Ram in the year 2015. Allegation is that after marriage there was demand of gold chain etc and the inlaws used to torture the victim for non-fulfillment of dowry demand. On 27.12.2018 dowry death was committed.

The case diary would reveal that the prosecution witnesses have supported the allegation of demand of dowry and torture for the same soon before death. The postmortem



report reveals that the victim died on sustaining burn injury.

Learned counsel for the petitioners submits that chargesheet has been submitted under Section 306 I.P.C. and not under Section 304(B) I.P.C. The husband of the victim has already been allowed bail in this case.

Since there is material on the record, at least for the purpose of consideration of this prayer for anticipatory bail that this is a prima facie case of dowry death, I am not inclined to enlarge the petitioners on anticipatory bail in connection with Azimabad P.S.Case No.52 of 2020 pending in the court of learned C.J.M., Bhojpur at Ara. Hence, prayer is refused.

Petitioners may surrender and pray for regular bail.

**(Birendra Kumar, J)**

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