

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41166 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- RAHIKA District- Madhubani

Prabhakar Jha, aged about 28 years, male, Son of Bamdeo Jha @ Wamdeo Jha, R/o Village- Saurath, P.S.- Rahika, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 19-07-2021 Heard Mr. Baidya Nath Thakur, learned Advocate for the petitioner and Mr. Ram Priya Sharan Singh, the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Rahika P.S. Case No. 39 of 2020, dated 07.04.2020, instituted for the offences under Sections 304-B and 34 of the Indian Penal Code.



He is the husband of the deceased.

It has been urged on behalf of the petitioner that from a plain reading of the F.I.R. itself, it would appear that though the deceased was pestered for bringing more dowry/a two-wheeler, but the assault because of non-fulfillment of the same has been attributed to other members of the family of the petitioner and not the petitioner specifically. It has further been submitted that during the course of investigation, nobody has spoken about the petitioner having either demanded dowry or having tortured the deceased for non-fulfillment of such demands. The petitioner himself had informed the family members of the deceased about her having fallen seriously ill.

As opposed to the aforesaid contention, the learned counsel for the State has submitted that the F.I.R. is very clear in as much as there is an allegation that the deceased was pestered and tortured for bringing dowry. The deceased had not given any clean-chit to the petitioner. All that she had stated to the informant on telephone that all the family members are troubling her and that her brother-in-law and



his wife have been assaulting her. During the course of investigation, some of the witnesses may only have stated that they saw the accused persons disposing off the body of the deceased and in that process, they may not have spoken about any specific overt act by the petitioner as the husband of the deceased, but it has been argued on behalf of the State that the petitioner was the person responsible for the life and well being of his wife (deceased). Merely because the deceased has not spoken to the informant on telephone that the petitioner also assaulted her, that by itself would not be a ground to believe that the petitioner had no role to play in the death of the deceased.

This Court is not inclined to grant anticipatory bail to the petitioner.

For the reasons afore-stated, the prayer for grant of anticipatory bail of the petitioner is, accordingly, rejected.

However, if the petitioner surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application has not



been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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