

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25031 of 2022

Arising Out of PS. Case No.-219 Year-2020 Thana- SONBERSA District- Sitamarhi

MD ASHIK @ ASHIK SHEIKH S/o Late Md. Puran Sheikh Resident of
Village- Bhutahi, Ward No.05, Police Station- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is husband of the deceased and is a person with clean antecedent and the informant alleges that her daughter was married to the petitioner in the year 2019 and after marriage, she was being tortured for dowry, it is next alleged that on 03.11.2020 her daughter was killed for non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that the



petitioner being husband of the deceased has been falsely implicated in the present case, it is further submitted that the deceased committed suicide, further the charge-sheet has been submitted based on the evidence recorded during the course of investigation of the family members of the deceased. Learned counsel submits that no independent witnesses were examined during the course of investigation, lastly it is submitted that the petitioner has a six months' old child.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the marriage was performed in the year 2019 and the wife died within seven years of marriage thus presumption in law is against the petitioner for the present, it is further submitted that the deceased might have committed suicide but then it was the husband who created conditions conducive for her to take such extreme step. The learned A.P.P. further submits that such occurrences take place within the confines of the house as such it is difficult to find independent witnesses, lastly it is submitted that Court does not confer benediction impelled by sympathetic considerations.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the



privilege of anticipatory bail to the petitioner.

His prayer for anticipatory bail is hereby rejected.

(Satyavrat Verma, J)

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