

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62803 of 2021**

Arising Out of PS. Case No.-12 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

SHIV KUMAR Son of Ram Udgar Yadav Resident of Village - Bisanpur,
P.S.- Ladaniya, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash
For the Opposite Party/s : Mr.APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

3 14-06-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

The petitioner apprehends his arrest in connection
with Ladaniya P.S. Case no. 28 of 2015 registered under
sections 302, 304B of the Indian Penal Code and 2, 3, ,4 of
Dowry Prohibition Act.

Learned counsel for the petitioner submits that in this
case, police investigated the case and found the allegation to be
false and submitted final form and after that complaint was filed
as a protest on which court below took cognizance of the
alleged offence against the petitioner. In fact, deceased died of
diarrhoea and on 24.6.2014 the informant executed a paper on



stamp in which he accepted death of the deceased occurred due to said disease.

Learned counsel appearing for the informant has vehemently opposed the prayer for anticipatory bail and submitted that death of the deceased took place within 07 years of her marriage. Admittedly, petitioner who is husband of the deceased burnt the dead body without getting the post mortem of the body of the deceased done and the court below has taken cognizance of the offence punishable under sections 302 and 304B IPC and 2, 3, 4 of D.P. Act

Heard both sides, perused the FIR as well as documents annexed to the bail petition. Admittedly, deceased died within 07 years of her marriage in a suspicious circumstance and the petitioner is said to be husband of the deceased is alleged to have tortured for dowry demand and he and other accused persons carried the dead body and burnt it in cremation ghat.

Considering the allegation appearing against the petitioner, in my view, it is not a fit case for grant of anticipatory bail and accordingly, his prayer for anticipatory bail stand rejected.

Petitioner is given liberty to surrender before the



court below. If he surrenders within 25 days from today, the learned court below shall decide the regular bail application of the petitioner on merit without being prejudiced by this order keeping in view of the fact that investigation has been completed and the case is at the starting stage of trial.

(Shailendra Singh, J)

s.hassan/-

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