

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72051 of 2021

Arising Out of PS. Case No.-147 Year-2017 Thana- RANIGANJ District- Araria

PANKAJ MUKHIYA Son of Tetar Mukhiya Resident of Village- Gotf Belshara, P.S.- Raniganj, Dist- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-08-2022 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 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is husband of the deceased, it is next submitted that the informant alleges that on getting information on mobile from his son, he reached the matrimonial home of his daughter and saw the accused persons bringing his daughter on a tempo for her treatment and she was in a unconscious stage, thereafter she was admitted in Nilam Nursing Hope Hospital, Purnea and on 05.03.2017, the doctor referred her for better treatment to Max Hospital, Purnea where



on 10.03.2017 at 11:00 AM she died in course of her treatment. It is alleged that during the course of treatment, her daughter disclosed to the informant that the accused persons, including the petitioner, assaulted her by *lathi* and *danda*, on account of which she sustained injury in which her child, which she was carrying, also died.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from perusal of allegation as alleged in the FIR it would manifest that informant himself alleges that after receiving call on his mobile from his son he reached the place of occurrence where he saw that the accused persons including the petitioner were taking his daughter for treatment to hospital. It is next submitted that even the daughter was treated and was later referred to a higher center, the learned counsel next submits that if what has been alleged in the FIR is true then definitely the hospital would have informed the police, it is next submitted that it absolutely does not stand to reason that when the deceased was in a position to talk to the informant then why she did not disclose the said fact to the doctor. Learned counsel next submits that from the tenor of allegations, it would manifest that the informant remained with the deceased all throughout her



treatment, it is next submitted that he even participated in the cremation and two months after the occurrence, lodged the present false case by way of afterthought, the learned counsel next submits that these days it has become a fashion to implicate and then to extort and the present case is the best example for that as the father of the deceased later even entered in compromise as would be evident from Annexure-2 to the anticipatory bail.

Learned counsel next submits that it is not that all deaths are dowry deaths, at times even genuine deaths took place but then it is given color of dowry death by taking undue advantage of the law, it is next submitted that the conduct of the petitioner was such that it instills confidence that he had taken his wife for treatment and the wife was in a position to talk as the informant himself alleges in the FIR that she disclosed to him about the occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Raniganj P.S. Case No. 147 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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