

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24144 of 2023**

Arising Out of PS. Case No.-45 Year-2011 Thana- TARAPUR District- Munger

Md. Nishar Khan @ Md. Nishar S/O Gulam Rabbani R/O Village- Lakhanpur  
(Near Chandan Baba Majar), P.S- Tarapur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ram Sevak Choudhary

For the Opposite Party/s : Mr.Ahmad Ali

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      17-08-2023                      Heard learned counsel for the petitioner and learned  
A.P.P for the State.

2. The petitioner apprehends his arrest in Tarapur PS Case No. 45 of 2011 registered for the offence punishable under Sections 341, 323, 326, 307, 504, 498A/34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act. Later on section 304(B) of the Indian Penal Code is added.

3. As per the prosecution case, marriage of informant's daughter was solemnized with petitioner one and half years ago. After marriage all the accused persons including this petitioner started demanding dowry and the daughter of informant was being subjected to cruelty. It is further alleged that due to non-fulfillment of demand of dowry the accused persons caused death of the victim girl. Petitioner is husband of



the deceased.

4. It is submitted on behalf of the petitioner that petitioner is innocent and has committed no offence. Informant is not eye-witness of the occurrence. In fact, deceased was burnt in an accident due to fall of *Dhibri* (earthen lamp). During course of treatment the Investigating Officer of the case recorded the dying declaration of the deceased which has come in para 36 of the case diary that while she was sleeping in the room along with her son, she saw that her Saree was burning and her husband tried to rescue her, but his hand got burnt, thereafter, her husband took her to private hospital for treatment.

5. Learned APP however, vehemently opposed the prayer for bail.

6. Considering the facts aforesaid and the nature of allegation and the fact that petitioner is husband of the deceased and deceased died in unnatural circumstance within seven years of marriage at her matrimonial home, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

**(Prabhat Kumar Singh, J)**

vinita/-

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