

Arising Out of PS. Case No.-136 Year-2021 Thana- BARHARA District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

2 26-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

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

3. The informant alleges that his sister was married with Vinod Chaudhary on 15.12.2022, it is next alleged that on account of non-fulfillment of dowry demand of Rs. 1,00,000/- and a motorcycle, the accused persons including the petitioner killed his sister by pouring kerosene oil on her, further the victim disclosed about the occurrence to the informant in the hospital.

4. Learned counsel for the petitioner submits that the



petitioner has antecedent of one case and has been falsely implicated in the present case, it is next submitted that though the informant alleges that the victim before her death disclosed about the occurrence but then her statement was not recorded by the police in the hospital before a doctor, it is next submitted that the date of occurrence is 26.02.2021 and the FIR was instituted on 2.03.2021 and thereafter it was sent to the Court of learned CJM on 04.03.2021, it is thus submitted that if what has been alleged is true and the victim (deceased) was in a condition of making a statement then why the informant did not make any endeavours for getting her statement recorded.

5. The learned counsel for the petitioner next submits that whenever such occurrence takes place the entire family members are implicated in a mechanical manner, it is next submitted that husband of the deceased is in custody, it is also submitted that the marriage was 19 years old and in those 19 years no case was instituted either by the deceased or the informant or any of the family members of the deceased and all of a sudden the entire family came to be implicated in the present case alleging that she was killed on account of non-fulfillment of dowry demand when in reality the victim while cooking food received burn injury on account of which she died



consequently.

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

7. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barhara P.S. Case No. 136 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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