

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52995 of 2023

Arising Out of PS. Case No.-601 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

MITHILESH RAM S/O RAM BILASH RAM R/O VILLAGE- DUMRI, PS.
SHAHPUR PATORI (MOHANPUR O.P.), DIST. SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 20-12-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Shahpur Patori P.S. Case No. 601 of 2022 dated 15.12.2022 registered for the offence under Sections 304(B), 201, 120(B) of the I.P.C.

3. The petitioner is the husband of the deceased (wife). As per the complaint -cum- First Information Report the marriage of the deceased was solemnized with the petitioner on 16.05.2013. Just after marriage, dowry was demanded by the petitioner and other family members and due to non fulfillment of demand of dowry the deceased was tortured and was killed in her matrimonial home on 26.01.2014 and her dead body was disposed secretly by the accused persons.

4. Learned counsel for the petitioner submits that



petitioner has not committed any offence in the manner alleged. Referring to the order sheet annexed at Annexure- P/2 learned counsel submits that complaint was filed by the mother of the deceased on 07.02.2014 alleging the death of her daughter on 26.01.2014, however, the said complaint was ordered to be referred for registration of the F.I.R. on 07.02.2014 under Section 156 (3) Cr.P.C. On 20.02.2014, affidavited petition was filed by the complainant for withdrawal of the complaint but despite the same F.I.R. has been lodged on 15.12.2022 after much delay.

5. Learned counsel for the State submits that within less than one year of marriage the wife of the petitioner died in suspicious condition in her matrimonial home and there is allegation of demand of dowry and torture. As per Section 113B of the Evidence Act obligation is on the petitioner to discharge the onus but instead of giving reasonable explanation for the death of the complainant's daughter, the petitioner is taking technical point of delay in lodging of F.I.R. after withdrawal of complaint sought by the complainant.

6. Regard being had to the submission made by the parties, taking into consideration the fact that within one year of marriage the complainant's daughter has died in her matrimonial



home, the petitioner has failed to discharge his *prima facie* onus about the circumstances under which complainant’s daughter died in the matrimonial home, as such, I am not inclined to grant anticipatory bail to the petitioner.

7. The application stands rejected.

(Anil Kumar Sinha, J)

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