

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59123 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- WARISLIGANJ District- Nawada

UTPAL KANT @ PINTU KUMAR S/o Pramod Prasad @ Pramod Kumar
R/v- Vaghi (Chakwai), P.S.- Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shweta Anand, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Warisaliganj P.S. Case No. 11 of 2022 for the offence registered under Sections 304(B) and 34 of the Indian Penal Code.

As per the prosecution story, the informant alleged that his daughter was married to the petitioner herein in 2018 but was tortured for dowry and on the fateful day, he came to know that she consumed poison and he had firm belief that it was the accused persons, who administered her the said poison causing her death.

Learned counsel for the petitioner submits that the information was given to the informant's side and only upon



their arrival, the mortal remains were consigned to flame, shows their *bona fide*. Further, there is no independent witness to support the prosecution theory. The last submission is that the lady was in unstable mind and in the heat of moment, she committed suicide.

Learned APP for the State, on the other hand, submits that two ingredients are there firstly, the demand of dowry second, the apprehension of the informant that the accused persons may have administered poison to her. He as such, opposes the prayer.

The petitioner being a husband, had the role to take care of his better half even if she was ill and there is nothing on record that she was mentally unstable, the demand of dowry and allegation of administration of poison is there. The petitioner being husband, this is not a fit case for grant of anticipatory bail which is accordingly rejected.

Before parting, this Court would like to put on record its word of appreciation for Ms. Shweta Anand for the proper assistance, despite the fact that it was her maiden appearance.

(Rajiv Roy, J)

Jagdish/Neha/-

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