

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.221 of 2023

Arising Out of PS. Case No.-20 Year-2016 Thana- BARURAJ District- Muzaffarpur

AKBAR ALI @ GUDDU @ MD.GUDDU S/O AKTAR ALI Resident of
village- Narwara, P.O. and P.S.- Baruraj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surj Narayan Yadav
		Mr. Masoom Alam
For the Opposite Party/s	:	Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-05-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Baruraj Police Station Case No. 20 of 2016, dated 18.03.2016, disclosing offences under Sections 304-B/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that within one year of marriage, the sister of the informant has been killed by the petitioner and in-laws of the deceased, due to non-fulfillment of the demand of dowry.

Learned Counsel for the petitioner submits that the petitioner is the husband of the deceased and the deceased has committed suicide by consuming poison due to the fact that the petitioner was going abroad in connection with earning his



livelihood and passport was prepared in the name of the petitioner for going to Saudi Arabia. He next submits that on the date of occurrence, the petitioner was not present at his residence with the deceased and at that point of time, he was at Delhi.

I have heard learned Counsel for the parties concerned and have gone through the materials on record.

From perusal of the First Information Report, it is evident that within one year of marriage, the sister of the informant died in suspicious condition in her matrimonial home and there is presumption under Sections 113-A and 113-B of the Evidence Act against the petitioner. The First Information Report was lodged in the year 2016, but the petitioner did not submit to the jurisdiction of the Court and for the first time, moved an application for grant of bail in the year 2021.

Taking into consideration the nature of allegation and the presumption in law, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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