

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20790 of 2024

Arising Out of PS. Case No.-465 Year-2023 Thana- BELAGANJ District- Gaya

Roushan Malakar @ Roushan Kumar Malakar S/o Dasharath Malakar R/o vill
- Panari, P.s- Belaganj, Dist. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Sanjay Kumar, learned counsel for the
petitioner and Ms. Rina Sinha, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Belaganj P.S. Case No. 465 of 2023, F.I.R. dated 17.07.2023 for the offences punishable under Sections 304B and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner have killed the daughter of the informant due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that he is husband of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner



has not committed any offences as alleged in the F.I.R. He further submits that there is no specific allegation of any assault or demand of dowry against the petitioner. He further submits that wife of the petitioner has died due to snake bite and the Mukhiya of the Gram Panchayat has also certified that she has died due to snake bite. Thereafter, the Sarpanch, Gram Panchayat, Panari has also certified that the wife of the petitioner has died due to snake on 27.07.2023. The ward member of ward no. 9 has also given certificate dated 28.07.2023 certifying the fact that wife of the petitioner has died due to snake bite.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the husband of the deceased and he is sole responsible to take care of his wife and apart from that the petitioner has disposed of the dead body of the deceased. He further submits that the Mukhiya of Gram Panchayat, Sarpanch of Gram Panchayat, Panari and ward member of ward no. 8 are not the competent authority to issue a certificate with respect to death of any person and the competent authority is a doctor but in the present case the petitioner has disposed of the dead body of the victim who is wife of the petitioner without conducting



the postmortem or examination of any doctor and the petitioner has procured the certificate only to came out from the present occurrence.

6. Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Belaganj P.S. Case No. 465 of 2023 pending in the court of Chief Judicial Magistrate, Gaya.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Vanisha/-

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