

Arising Out of PS. Case No.-1396 Year-2023 Thana- DANAPUR District- Patna

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... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh
For the Opposite Party/s : Md. Mushtaque Alam
For the Informant : Dr. Kislay

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-07-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on
behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

4. The informant alleges that his sister (deceased) was married to Dhiraj (son of petitioner) in the year 2010 and out of the wedlock, two children were born. It is next alleged that after marriage, the accused persons including the petitioner were demanding dowry and for non fulfillment of



the demand as detailed in the FIR, the victim was tortured and assaulted, further on 27.10.2023, he received an information that his sister was poisoned by the accused persons including the petitioner and thereafter was locked in a room from outside and after the accused became sure that the victim has died she was brought to Curis hospital.

5. Learned counsel for the petitioner submits that petitioner, being father-in-law of the deceased, has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of allegation as alleged in the FIR, it would manifest that the allegation of demand of dowry and torture is general and omnibus in nature. It is also submitted that the deceased was married to the son of the petitioner in the year 2010 and out of the wedlock, two children were born. It is next submitted that in these thirteen years, neither the informant nor the deceased ever instituted any case with an allegation of torture or assault for non fulfillment of demand of dowry. It is further submitted that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion. It is further submitted that it may be a possibility that the deceased, on account of differences with her husband, might have



consumed poison. It is also submitted that mother-in-law of the deceased is in custody and charge sheet against her has been submitted under Section 306 of the IPC when the instant FIR has been instituted under Section 302 of the IPC.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that informant is not an eye witness to the occurrence, the allegation of demand of dowry and torture is general and omnibus in nature and in these thirteen years, no case was instituted either by the informant or the deceased alleging torture for non fulfillment of demand of dowry and the entire allegation hinges based on suspicion.

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 Danapur
P.S. Case No. 1396 of 2023 subject to the conditions as laid
down under Section 438 (2) of the Cr.P.C.

**8. Accordingly, the instant anticipatory bail
application stands allowed.**

(Satyavrat Verma, J)

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