

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44879 of 2024

Arising Out of PS. Case No.-185 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

1. Ravi Kumar @ Ravi Ram S/O Shambhu Ram R/O- Vill- Bhatwaliya, P.S- Siwan Mufassil, Dist- Siwan
2. Hewanti Devi W/O- Shambhu Ram R/O- Vill- Bhatwaliya, P.S- Siwan Mufassil, Dist- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ranjeet Kumar Pandey

For the Opposite Party : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 13-09-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner submits that the petitioner no. 2 has been arrested. Accordingly, he seeks permission to withdraw the present application.

3. Permission is accorded.

4. Accordingly, the present application of the petitioner no. 2 is dismissed as withdrawn.

5. The petitioner no.1 is apprehending his arrest in connection with Siwan Muffasil P.S. Case No. 185/2023 dated 13.04.2023 registered for the offence punishable under Sections 498A and 304B read with 34 of the Indian Penal Code and



Sections 3 & 4 of the D.P. Act.

6. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant's daughter mentally and physically and killed her by strangulating her neck with a rope due to non-fulfillment of demand of Rs. 3 lacs as dowry and giving birth to a female child.

7. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner who is husband of the informant's daughter. The petitioner neither demanded any dowry nor tortured the deceased. The petitioner was not present at the date and time of the occurrence as he was a labourer in the construction line at Nasik, Maharashtra. The daughter of the informant herself committed suicide due to dispute with her *maika's* people. There is no eye witness to the incident. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

8. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner is husband of the deceased. As per the Post Mortem Report, the cause of death is due to asphyxia due to throttling. The proposed witnesses including the independent witness have supported the prosecution case as she was strangulated to death for the sake of dowry by the



petitioner. The occurrence took place at the matrimonial home. It is further submitted that no any document has been filed on behalf of the petitioner showing that he was at Nasik in Maharashtra at the relevant point of date and time of the occurrence. Learned APP for the State has relied in the case of **Santro Vs. The State of Haryana in Crl. Misc. No. M-31072 of 2012 (O&M)** wherein it is said by the Hon'ble Punjab and Haryana High Court *"even if there is plea of alibi, the same can be raised only at the stage of trial and not at the stage of anticipatory bail"*.

9. Considering the aforesaid facts and circumstances and the heinous nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner in accordance with law and on its own merits without being prejudice by this order.

(Chandra Prakash Singh, J)

Atul/-

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