

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64670 of 2023

Arising Out of PS. Case No.-497 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Rajesh Kumar @ Rajesh Sah Son Of Ram Nandan Sah R/O Vill - Mustafapur,
P.S. - Ahiyapur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Opposite Party/s : Mrs. Meena Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Ahiyapur P.S. Case No. 497 of 2022 registered for the offences punishable under Sections 498(a), 306/34 of the Indian Penal Code pending in the Court of learned C.J.M., Muzaffarpur.

3. As per the prosecution case, the marriage of the daughter of the informant was solemnized with petitioner in 2008. The petitioner including other co-accused persons started subjecting her daughter to cruelty both physically and mentally for fulfilling dowry. Later it is also mentioned that at 8 o'clock in the morning hour of 13.06.2022, a verbal altercation took place over cooking issue and at 9 o'clock, the petitioner phoned that her daughter had burned herself.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that there was altercation took place between the deceased and the petitioner on telephonic conversation, as the petitioner was living in Bihar Sharif for his livelihood and the deceased was very short tempered by nature and was so depressed to such an extent regarding the dispute that she ablaze herself after closing the door intending to commit suicide. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the payer for anticipatory bail and submits that the informant's son hurried to marital home of his sister (the deceased) and found his sister at *darwaja* in burned condition. Informant's son then rushed to SKMCH, Muzaffarpur for treatment but her daughter (the deceased) succumbed to 90% burn injury. He further submits that para 13 of the case diary reveals that the door was broken to take out the deceased from the kitchen, but the I.O. has not found any broken door in his description of place of occurrence.

6. Considering the facts and circumstances of case



and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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