

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76598 of 2024

Arising Out of PS. Case No.-490 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Prem Kumar @ Mithu Son of Lachhan Dev Jha Resident of Village- Garha,
P.S. - Garha, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv

Mr. Dwij Raj, Adv

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-11-2024 Heard Mr. Y.C. Verma, learned Senior Counsel for the
petitioner and Mr. Dilip Kumar No.1, learned APP for the State.

2. The petitioner apprehends his arrest in a case registered for
the offence punishable under Sections 302, 304B, 34 of the Indian
Penal Code.

3. As per the FIR, the marriage of the daughter of informant
was solemnized with the petitioner on 14.06.2023. It is alleged
that the daughter of the informant was subjected to torture and
cruelty by the petitioner and his family members on the pretext of
demand of dowry and later on killed the daughter of informant
due to non-fulfillment of demand for dowry.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He has
been falsely implicated in this case. No such occurrence, in the



manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is submitted by the learned Senior counsel for the petitioner that though the wife of the petitioner died within four months of marriage but the petitioner was not present in his house on the date of occurrence. He was residing in Nasik and on the said date of occurrence he was travelling from Nasik to Muzaffarpur, which is also apparent from Annexure-P/2 of the bail application. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail by submitting that the wife of the petitioner died at her matrimonial house within four months of marriage.

6. Having regard to the facts and circumstances of the case as well as considering that the petitioner, being the husband of the deceased was bound to ensure her safety and dignity at her matrimonial house, therefore, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. Accordingly, this application is dismissed.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law considering that the



petitioner was not present in his house on the date of
occurrence.

(Anjani Kumar Sharan, J)

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