

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52949 of 2016

Arising Out of PS.Case No. -556 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Anita Devi W/o Mr. Shankar Rai R/o - Village: Mirzanagar Dogar, P.S. Mahua, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-12-2016 Heard learned counsel for the petitioner as well as

learned APP for the State.

The petitioner seeks anticipatory bail in connection with Mahua P.S. Case No. 556 of 2015 instituted for the offences punishable under Sections 304(B)/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

It has been submitted on behalf of the petitioner that the petitioner is the Gotani of the deceased and no specific allegation is against her. It is alleged in the F.I.R. that the petitioner has illicit relationship with the husband of the deceased, but that does not appear to be true in the facts. It has further been submitted that the post-mortem report does not support the prosecution story, as such, the petitioner is entitled



for anticipatory bail.

Learned APP for the State has pointed out that from the impugned order, paragraph-10 of the case diary as well as inquest report, injuries were found on the person of the deceased. Considering this aspect of the matter, this case is not fit for grant of anticipatory bail.

Having heard both sides, in view of the facts above stated, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly, his prayer for bail stands rejected in connection with Mahua P.S. Case No. 556 of 2015 pending in the court of learned Chief Judicial Magistrate, Vaishali.

Let petitioner surrenders before the court below and prays for regular bail, which shall be considered by the court below on its own merit without being prejudiced by the order of this Court.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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