

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40327 of 2016

Arising Out of PS.Case No. -45 Year- 2004 Thana -SIMRI District- DARBHANGA

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1. Kanhaiya Mishra son of Sitaram Mishra Resident of Village-Bansara,
P.S.- Reiyam, District-Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Mohan Mishra

For the Opposite Party/s : Mr. Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 20-10-2016

Heard learned counsels for the petitioner and the State.

The petitioner being husband of the sister of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A,304B and 120B of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The accusation is of killing the sister of the informant within two months of marriage for non fulfillment of dowry demands.

It is submitted by the learned counsel for the petitioner that the fardbeyan of the petitioner was recorded on 30.4.2004 suggesting that the victim received accidental burn injury. It is further submitted that only on suspicion the accusation has been levelled.

Considering the fact that the petitioner's wife died within two months of the marriage due to burn injuries, the accusation is of demand of dowry immediately before death and the fact that the case was registered in 2004 and the petitioner's anticipatory bail application was initially rejected vide order dated 31.8.2004 passed in ABP No. 188 of 2004, this court is not inclined to grant anticipatory bail to the petitioner. However, let the learned court below consider the prayer for regular bail of the petitioner in case the petitioner surrenders within six weeks from today in connection with Simri P.S. Case No. 45 of 2004 pending in the court of learned A.C.J.M. Darbhanga.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

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