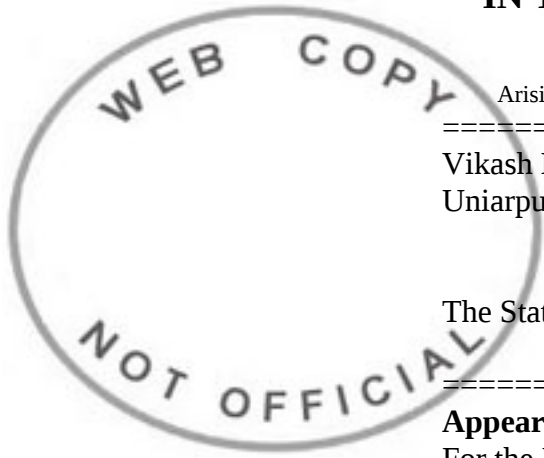




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50666 of 2015

Arising Out of PS.Case No. -28 Year- 2015 Thana -UJIYARPUR District- SAMASTIPUR

=====

Vikash Kumar Rai, Son of Ram Prit Rai, resident of village Mahisari, P.S.
Uniarpur, District-Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Uday Chand Pd.(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 22-01-2016 Heard learned counsel for the petitioner and learned

counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Ujiyarpur P.S. Case No. 28 of 2015 registered for offences
punishable under Sections 302, 201, 34 of the Indian Penal Code.

Diary in the present case was called for which has since
been received.

Learned counsel for the petitioner submits that the
present case is not a case in which the deceased had married the
victim lady in question. He submits that the petitioner is the cousin
devor and not the husband of the deceased lady. His further
submission is that there is no eye witness to the occurrence and
that the informant in connection with another case where the

unknown dead body was discovered had identified by the body of the victim to be that of his niece.

Learned counsel appearing on behalf of the informant, however, submits that the petitioner being the cousin *devor* had remarried the niece of the informant on account of the fact that the first husband of the deceased had brought in another women in marriage and had been neglecting her. When such an event took place, the informant being the uncle of the deceased lady, was forced by the circumstances to accept the same on account of the fear that if he creates much ado about such an event he might have to face the criticism of the society and he will have to bear the loss of his reputation. As such the informant did not protest at the relevant stage, however, after sometime the petitioner as well as his father and mother had started harassing his niece and finally on 13.01.2015, he came to know that his niece has been killed.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that, in fact, the petitioner had remarried and such a fact stands justified in various paragraphs of the case diary wherein the other villagers have also supported the prosecution story.

Considering the entire gamut of circumstances and *prima*

facie the case is made out against the petitioner, I am not inclined to grant anticipatory bail to the petitioner, which is accordingly rejected.

(Anjana Mishra, J)

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