

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24650 of 2017

Arising Out of PS.Case No. -49 Year- 2017 Thana -MOTIHARI MUFASIL District- EAST
CHAMPARAN (MOTIHARI)

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Ashish Kumar @ Tunna, son of Jagdeo Sah, Resident of Village -
Lakhaura, Barwa Tola, Police Station - Lakhaura, District - East Champaran
at Motihari.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Ms. Arpana Kumari, Advocate.

For the Opposite Party/s : -----

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-06-2017 Heard Ms. Arpana Kumari, learned advocate
appearing on behalf of the petitioner.

No one appears for the State.

The petitioner is seeking anticipatory bail in Muffasil
(Lakhaura) P.S. Case No. 49 of 2017 registered under Section
304(B) of the Indian Penal Code.

Learned counsel for the petitioner referring to
Annexure 2, which is copy of the FIR of Muffasil P.S. Case No.
48/2017 registered under Section 306 of the Indian Penal code at
the instance of the brother of the present petitioner, submits that
the deceased had developed some illicit relationship with one
Brajesh Kumar, who had entered in the house and was caught but
later on was released. She would further submit that although the



F.I.R. discloses a case of dowry death within a period of two years from the date of marriage, however, the fact remains that there was no such demand and the petitioner has been falsely implicated.

On perusal of the First Information Report, this Court is of the opinion that this being a case of death within the four corners of the house of the petitioner and the petitioner is the husband, it would not be appropriate to allow anticipatory bail to the petitioner even when the investigation is still going on. The application for anticipatory bail is rejected.

If the petitioner surrenders in the court below within four weeks from today and prays for regular bail, the same would be considered on its own merit and on the basis of the materials available on the record.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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