

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.482 of 2017

Arising Out of PS.Case No. -142 Year- 2016 Thana -BARSOI District- KATIHAR

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Md. Motiur @ Md. Matiur son of Habibul @ Habbul resident of village -
Kasba Toli, P.S. Barsoi, District - Katihar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 10-02-2017

Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in connection with a
case registered under Sections 302/34 of the Indian Penal Code.

Allegation in brief is that the informant's daughter
was married six years back, but used to be tortured in connection
with demand of dowry and ultimately she was killed by accused
persons. The petitioner is father-in-law.

It is submitted that there is no specific allegation
against the petitioner. The case is lodged under Section 302 I.P.C.
and mother-in-law, the wife of the petitioner has been admitted to
anticipatory bail by this Court and the husband is under custody.

However, in view of allegation prima facie it appears a
case under Section 304(B) of I.P.C. moreover the postmortem



report shows that the cause of death of deceased is strangulation and mother-in-law was considered anticipatory bail, being lady, so the petitioner's case is not on the similar footing.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected. However, the petitioner, if so advised, may surrender and seek regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Arun Kumar, J)

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