

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45073 of 2016

Arising Out of PS.Case No. -5 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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1. Mahabir Bind, Son of Ram Lal Bind, Resident of Village- Alekhi Tola,
P.S. Barahara, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava

For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 11-05-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Bhojpur
Mahila P.S. Case No. 05 of 2014 instituted for the offence under
Sections-302, 120B, 201/34 of the Indian Penal Code.

The petitioner is husband of the deceased. There is
allegation that the petitioner with other accused used to commit
physical and mental torture with the deceased for demand of
different items and on the date of occurrence, her dead body was
found on the roof. It is alleged that while she was sleeping on the
roof of the house, she was done to death by slitting her neck with
sharp cutting weapon. From perusal of the FIR itself, it appears
that occurrence took place in the matrimonial house of the



deceased. The learned Sessions Judge has mentioned in the impugned order that witnesses in paragraphs-39 & 45 of the C.D. have supported the case.

Counsel for the petitioner has submitted that the father-in-law of the deceased has filed a case on 08-09-2013 against unknown for committing the murder of his daughter-in-law. The FIR lodged by the father-in-law has been annexed as Annexure-2 from which, it is apparent that father in law was also present on that day in the house and as per FIR itself, the deceased along with her three years daughter was sleeping on the roof. It is really surprising that some unknown persons will slit the neck of the deceased while the father-in-law and other family members are in the house.

In such circumstances, this court does not think it a fit case to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner stands rejected.

The petitioner is directed to surrender in the court below and seek regular bail which will be considered and disposed off on the same day in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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