

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30161 of 2017

Arising Out of PS.Case No. -611 Year- 2016 Thana –PHULWARISHARIFF District- PATNA

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Bishun Dayal Rai @ Bishnu Dayal Rai, S/o Late Ram Baran Rai,
Resident of Phulia Tola, P.S.- Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar
Mr. Prashant Kumar

For the Opposite Party/s : Sri Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 20-07-2017 Heard Mr. Praveen Kumar, learned counsel, assisted by

Sri Prashant Kumar, learned counsel for the petitioner, learned
Additional Public Prosecutor as well as Sri Rakesh Kumar,
learned counsel, who has appeared on behalf of the informant.

The petitioner, apprehending his arrest in
Phulwarishariff P.S. Case No. 611 of 2016 , registered for the
offence under Section 304(B) of the Indian Penal Code , 1860 has
prayed for grant of anticipatory bail, primarily on the ground that
in this case mother –in- law and brother of the husband of the
deceased, have already been extended the privilege of anticipatory
bail. He submits that the husband of the deceased was residing
separately and as such , there was no question of involvement of
the petitioner , whereas learned counsel for the informant submits



that in the year 2014 itself there was a case for the offence under Section 498(A) of the Indian Penal Code, 1860. He submits that earlier a case under section 498(A) of the Indian Penal Code , 1860 was instituted and thereafter, with an oblique motive story was created as if the accused were residing separately, however in the F.I.R. itself there is specific allegation against the petitioner, who is the father- in- law of the deceased.

Considering the fact that in the F.I.R. there is accusation against the petitioner and case is for the offence under Section 304(B) of the Indian Penal Code, 1860 , I do not find any ground to extend the privilege of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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