

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7078 of 2018

Arising Out of PS.Case No. -34 Year- 2017 Thana -KIHIRI MORE District- PATNA

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Vikash Kumar Singh @ Vikash Kumar, Son of Jitendar Singh, Resident of
Village- Mera, P.S.- Khiri More, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Javed Aslam, Advocate.

For the Opposite Party : Mr. Amrendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-02-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 307, 498(A), 323, 326, 341
and 504/34 of the IPC. Later on, Section 304(B) of the IPC was
also added.

The prosecution story, in brief, is that the accused
persons including the petitioner killed the victim due to non-
fulfilment of demand of dowry.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present



case due to petty family dispute. There is no substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence. The deceased is said to have committed suicide. It is, at best, a case for an offence under Section 306 of the IPC. There is general and omnibus allegation against the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case and he is husband of the deceased. The onus is upon the petitioner to explain cause of death of the deceased. Assuming it to be a case for the offence under Section 306 of the IPC, still the petitioner is an abettor.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Khiri More P.S. Case No. 34 of 2017, pending in the court of learned A.C.J.M. Danapur, Patna. If the petitioner surrenders in the court below within a period of six weeks from today and files regular bail application, the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

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(Sudhir Singh, J)