

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21306 of 2018

Arising Out of PS. Case No.-90 Year-2017 Thana- KUCHAIKOTE District- Gopalganj

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KANHAIYA SINGH @ KANHAIYA RAI @ KANHAYA SINGH @
KANHAYA RAI, Son of Baijnath Singh, Resident of Village- Suklauli,
Police Station- Kuchaicote, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar, Mr. Sachin Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-05-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 323, 324, 304B, 406 and 498A of the Indian Penal Code and ³/₄ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture and assault and thereafter committed murder of the deceased upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact which is evident from paragraph 76 of the case diary. From perusal of paragraphs 60, 61 and 64 of the case diary, it is evident that the



victim is still alive and residing at Kota. The witnesses in paragraph nos. 26, 27, 28, 29, 30 and 31 of the case diary have stated that the victim is having love affairs with one Appu Sah and she has been seen going around with said Appu Sah. Hence, no offence under Section 304B IPC is made out. Rest of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VII, Gopalganj in connection with Kuchaicote P.S. Case No. 90 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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