

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54928 of 2018

Arising Out of PS. Case No.-34 Year-2018 Thana- HARNAUT District- Nalanda

Triloki Nath Singh, S/o Late Sita Ram Singh, R/o Vill.- Barah, P.S.- Harnaut
(Kalyan Bigha), District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Raj Kishor Prasad, Advocate.
For the Opposite Party : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 304(B)/34 of the IPC.

The prosecution story, in brief, is that the accused
persons including the petitioner killed the sister of the informant
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. There is no eye witness to the alleged
occurrence nor there is any substantive evidence to suggest the
implication of the petitioner. The petitioner is employed in



Paramilitary Force. On the alleged date of occurrence, he was present on duty. The informant has retracted from his earlier stand which is evident from Annexure-3 to the present application.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. He is husband of the deceased. The onus is on him to explain the cause of death of the deceased. The witness in paragraph no. 28 of the case diary has supported the prosecution case. From perusal of postmortem report, it is evident that allegations made in F.I.R. is true.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Harnaut (Kalyan Bigha) P.S. Case No. 34 of 2018, pending in the court of learned C. J. M. Nalanda at Biharsharif. Anyhow, if the petitioner surrenders and prays for regular bail in the court below, the same shall be considered on its own merit without being prejudiced by this order of the Court.

U.K./-

(Sudhir Singh, J)

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