

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23867 of 2018

Arising Out of PS.Case No. -324 Year- 2015 Thana -DHANARUA District- PATNA

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Niraj Kumar @ Laki, Son of Krishna Prasad, Resident of Village- Jahanpur,
P.S. Dhanarua, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shashi Chandra Pandey

For the Opposite Party : Mr. Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-04-2018 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 498(A), 304(B) and
120(B)/34 of the IPC.

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 eye witness to the



alleged occurrence nor there is substantive evidence to suggest his implication in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. He is husband of the deceased. The onus is upon him to explain the cause of death of the deceased who happens to be wife of the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Dhanarua P.S. Case No. 324 of 2015, pending in the court of learned J.M. Ist Class, Masaurhi Patna.

Anyhow, if the petitioner surrenders in the court below within a period of six weeks from today and prays for regular bail, 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)

