

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7318 of 2018

Arising Out of PS. Case No.-18 Year-2017 Thana- Adapur District- East Champaran

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Akhilesh Kumar Upadhyay @ Akhilesh Kumar Upadheyay @ Akhilesh Upadheya @ Akhilesh Upadhyay Son of Dinesh Upadhyay @ Dinesh Upadhyay, Resident of Village- Bara Auraiya, P.S.- Adapur, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 21-02-2018 Heard Sri Abhishek Kumar, learned counsel for the petitioner. Learned Addl. Public Prosecutor is not present on behalf of the State.

The sole petitioner, apprehending his arrest in Adapur P.S. Case No. 18 of 2017 registered for offence under Sections 304(B), 120(B)/34 of the Indian Penal Code, has prayed for grant of bail in the event of his arrest or surrender.

Learned counsel for the petitioner, by way of referring to Annexure 2 & 2/1 to the present petition, tried to persuade the Court that on the date of occurrence, the petitioner was already on duty in Jammu & Kashmir while posted as Constable in B.S.F. Accordingly, it has been argued that petitioner has falsely been implicated, whereas, on perusal of the F.I.R., it is evident



that though, petitioner was not present at the place of occurrence, he was husband of the deceased and there is material in the F.I.R. that he had also participated in demanding dowry and torturing the deceased. Accordingly, even though, it may be accepted that on the date of occurrence, the petitioner was not present at the place of occurrence, but considering the provision contained in Section 120(B) of the Indian Penal Code, there is no reason to extend the privilege of anticipatory bail.

Dismissed.

(Rakesh Kumar, J.)

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