

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22962 of 2019

Arising Out of PS. Case No.-439 Year-2018 Thana- BAKHTIYARPUR District- Patna

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KANHAIYA MISHRA, aged about 51 years, Male, Son of Narayan Mishra
Resident of Village - Naya Tola Harnhiya, P.S.- Bakhtiyarpur, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-07-2019 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Bakhtiyarpur P.S. Case No. 439/2018 registered under Sections 324, 326, 307/34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act and later one Section 304(B) of the I.P.C. was added.

Learned counsel for the petitioner submits that this petitioner is the younger brother of the husband of the deceased. The petitioner is living separately and he has no concern with the family of the deceased but he has been falsely implicated in this case only with an intention to implicate the near relative and kith and kin of the husband.



It is also submitted that there is no eye witness and independent witness to support the allegation against the petitioner. In this case, case diary has been called for which has been received.

Learned counsel for the petitioner as well as State having gone through the further statement of the victim in paragraph '13' of the case diary submit that the victim has prior to her death made a statement before the police in which she has categorically stated against her husband alone. It is submitted that there is no allegation muchless any specific allegation against the petitioner, therefore, the petitioner deserve the privilege of anticipatory bail.

Having heard learned counsel for the petitioner and the State and in the nature of the materials which has come in course of investigation and have been read out before this court, there being no specific allegation against the petitioner of any active participation in the alleged occurrence, this court is inclined to grant anticipatory bail to the petitioner, in the event of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of



Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Barh, in connection with Bakhtiyarpur P.S. Case No. 439/2018, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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