

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74407 of 2018

Arising Out of PS. Case No.-142 Year-2018 Thana- VAISHALI District- Vaishali

Rajiv Rai Son of Phuldeo Rai Resident of Village-Madarana, P.S. Vaishali,
Distt.-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Advocate.

For the Opposite Party/s : Smt. Nirmala Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 02-05-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Vaishali P.S. Case No.142 of 2018 registered under Section
304(B) of the Indian Penal Code, pending in the court of the
Chief Judicial Magistrate, Vaishali at Hajipur.

The accusation is of killing the deceased, the niece of
the informant, by her husband (petitioner) by administering
poison.

Learned counsel appearing on behalf of the petitioner
submits that, admittedly, the petitioner is the husband of the
deceased. In fact, for preparing the meal, the quarrel took place
in the family, due to which the deceased for committing suicide



consumed poison. Further submission is that the informant lodged the present case under misconception and after realizing his mistake, he filed an application before the Chief Judicial Magistrate, Vaishali at Hajipur, in this regard.

Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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