

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87296 of 2019

Arising Out of PS. Case No.-316 Year-2018 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

=====

Vivek Kumar @ Vivek Dwivedi, Son of Vrij Kishor Dwivedi Resident of
Village-Shivrajpur, P.S.-Bhairoganj, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rishav Kumar, Son of Saroj Tiwari Resident of Village-Narkatiaganj, P.S-
Shikarpur, District-West Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 25-06-2020 Heard Mr. Mithilesh Kumar Upadhyay,
learned counsel for the petitioner and Mr. Bharat Lal,
learned APP for the State.

The petitioner, who is the husband of the deceased, seeks bail in anticipation of his arrest in connection with Kazi Mohammadpur P.S. Case No. 316 of 2018 dated 03.07.2018 instituted for the offences under Sections 302, 201 and 34 of the Indian Penal Code.

The FIR has been lodged by the brother of the deceased alleging that the deceased has been done to death by her in-laws and the petitioner.

Learned counsel for the petitioner has submitted that from the wedlock of the petitioner with



the deceased, two issues are born. The petitioner has been taking care of his wife ever since she contracted illness. The deceased had been suffering from heart ailment for which she was regularly being treated. The details of the treatment and some of the prescriptions of the treating physician have been annexed with this bail petition.

It has further been submitted that immediately after lodging of the case, the prosecution side realized their folly and filed an application before the court below that the accusation has been levelled as a knee jerk reaction after the death of the deceased. The father of the deceased has also got his statement recorded in the investigation report that he has reliably learnt that the deceased was well looked after by her in-laws and the petitioner.

However, considering the nature of accusation in the FIR and taking into account the fact that the petitioner is the husband of the deceased and the dead body was cremated immediately, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, the court below shall take



into account all such facts and pass an order in accordance with law without being prejudiced by the fact that, the present petition has not been entertained.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

