

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.86921 of 2019**

Arising Out of PS. Case No.-186 Year-2019 Thana- SURYAGARHA District- Lakhisarai

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KANHAIYA KUMAR Son of Brahamdeo Singh Resident of Village -  
Rahatpur, P.S. - Surajgarha, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kumar Praveen, Advocate  
For the Informant : Mr. Amit Kumar Anand, Advocate  
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

3      22-06-2020                      Heard Mr. Kumar Praveen, learned counsel for the  
  
petitioner; Mr. Amit Kumar Anand, learned counsel for the  
  
informant; and Mr. (Dr.) Ajeet Kumar, learned APP for the  
  
State.

The petitioner seeks bail in anticipation of his  
  
arrest in connection with Surajgarha P. S. Case No. 186 of  
  
2019 dated 26.06.2019 instituted for the offences under  
  
Sections 302, 201 and 34 of the Indian Penal Code.



The petitioner is the brother-in-law (sister's husband) of the deceased.

It has been submitted on behalf of the petitioner that except for suspicion, there is no material in the entire investigation report to connect the petitioner with the offence. When the deceased was proceeding towards his sister's house, he became traceless. Later, the dead-body of the deceased was recovered by the side of a river.

Two sisters are married in the same family; one with the petitioner and the other with another brother of the petitioner. Merely because there was some altercation between one of the sisters of the deceased and the family members of the petitioner, that the present suspicion has been raised.

However, on being informed by the counsel for the informant that the brother of the petitioner also has been made accused, and has been granted regular bail, I am not inclined to grant anticipatory bail to the petitioner.

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 that similarly situated accused person, namely, the brother of the petitioner has been granted bail, and shall pass order in accordance with law, without being prejudiced by the fact that the present petition has not been entertained by this Court.

(Ashutosh Kumar, J)

skm/-

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