

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28752 of 2021

Arising Out of PS. Case No.-366 Year-2020 Thana- RUPASPUR District- Patna

Kanhaiya Mishra Son Of Tirath Raj Mishra R/O Village- Jay Nilam Bihar,
I.A.S. Colony, Flat No.- 305, 3rd Floor, Rupaspur, P.S.- Rupaspur, District-
Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Rupaspur P.S. Case No.
366 of 2020, registered for the offence punishable under
Sections 302/34 of the Indian Penal Code.

As per the prosecution case, this petitioner along with
family members committed murder of the daughter of informant
due to non-fulfillment of demand of dowry. Petitioner is
husband of the deceased.

It is submitted on behalf of the petitioner that
petitioner is innocent and has committed no offence. Marriage
of petitioner and deceased was solemnized 15 years ago and as



such there is no question of demand of dowry. There is general and omnibus allegation and in fact, the deceased has committed suicide and the doctor has also found cause of death due to Asphyxia caused by hanging leading to cardio respiratory failure. Even the police after investigation has submitted chargesheet under Section 306 of IPC against the petitioner. Petitioner is in custody since 26.10.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail.

Considering the facts aforesaid and the nature of allegation and the fact that petitioner is husband of the deceased and deceased died in other than normal circumstance at her matrimonial home, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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