

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28848 of 2020

Arising Out of PS. Case No.-407 Year-2019 Thana- MAHNAR District- Vaishali

RAJESH KUMAR S/o Shri Ram Eqbal Rai Resident of Village-Chakesho,
P.S.-Mahnar, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Pravin Kumar, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-01-2021 Heard the learned counsel for the petitioner,
Mr. Ajay Kumar Thakur and the learned APP
appearing for the State, Ms. Anita Kumari Singh.

This is an application for grant of anticipatory
bail in connection with Mahnar P.S. Case No. 407 of
2019 registered for the offence punishable under
Sections 302, 201 and 120(B)/ 34 of the Indian
Penal Code.

The allegation is regarding the petitioner
herein, who happens to be the husband of the
deceased victim lady and other accused persons
having allegedly hanged the sister of the informant



to death on account of non-fulfillment of the demand for dowry.

The learned counsel for petitioner, Sri Ajay Kumar Thakur, has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has submitted that there is no evidence on record to suggest that the petitioner was either present at the place of occurrence or has got any role to play in the alleged occurrence.

Per contra, the learned APP for the State, Ms. Anita Kumari Singh, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available in the case diary, this Court finds that minuscule evidence has come to the fore, during the course of investigation by the police and it has transpired during the course of investigation that the accused persons



had gone for a marriage function in the family and the deceased victim lady was alone in the house, whereafter the accused persons are stated to have come to know that the deceased victim lady had become unconscious and then, they had arrived at the alleged place of occurrence and taken the deceased victim lady to the Primary Health Centre for treatment, however, she died and then, the accused persons had informed the family members of the deceased victim lady, whereupon the last rites was performed, hence, this Court finds that prima facie there is dearth of material so as to connect the petitioner herein with the alleged occurrence, thus, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahnar P.S.Case No. 407 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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