

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36970 of 2020

Arising Out of PS. Case No.-337 Year-2019 Thana- BARHARA District- Bhojpur

Kanhaiya Sah, S/o Rameshwar Sah @ Barister Sah, R/o village- Porha, P.S.-
Barahara (Sinha O.P.), District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nagendra Sah, S/o Bhagirathi Sah, R/o Village- Babura, P.S.- Barhara
District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 25-05-2021 Heard Mr. Sheo Jee Mishra, the learned Advocate

for the petitioner and Md. Aslam Ansari, the learned APP for

the State.

The petitioner, who is the husband of the so-called
deceased, seeks bail in anticipation of his arrest in
connection with Barahara (Sinha O.P.) P.S. Case No. 337 of
2019, dated 23.09.2019, instituted for the offences under
Sections 304(B) and 201/34 of the Indian Penal Code.

The accusation against the petitioner and his family
members is of killing the deceased and throwing her dead-
body in the river *Ganges*.



The learned counsel for the petitioner has submitted that an absolutely false accusation has been levelled against him, which is only the guesswork of the informant. He submits that the daughter of the informant was in the habit of running away with one Namuna Paswan in the past but every time, she came back and the petitioner, in an act of generosity, always accepted her in the family fold. This time, it has been submitted, the daughter of the informant fled away for good. It is precisely for this reason, it has been argued, that the dead-body has not been recovered.

The informant, after having come to know about this fact, has stated before the Court below that he does not wish to prosecute the petitioner any further.

However, these grounds do not weigh with this Court for grant of anticipatory bail to the petitioner.

The prayer for grant of anticipatory bail of the petitioner is, accordingly, rejected.

However, if the petitioner surrenders before the Court below and seeks bail, the Court below, after taking



into account all the above-noted facts and the corresponding materials in the police papers, shall pass orders in accordance with law, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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