

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39852 of 2020

Arising out of PS. Case No.-83 Year-2019 Thana- RIGA District- Sitamarhi

Vijay Chaudhary, aged about 30 years (Male), Son of Bindalal Chaudhary
Resident of Village - Panapur, P.S.- Riga, District - Sitamarhi
..... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 22-10-2021 The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

Heard learned counsel for the petitioner and the learned APP for the State.

In the instant petition, petitioner has sought for anticipatory bail under Section 438(2) of the Code of Criminal Procedure in connection with Riga P.S. Case No. 83 of 2019 pending before the Chief Judicial Magistrate, Sitamarhi.

The petitioner married to daughter of informant namely Rajrani, she has died on 17.03.2019. The informant gave a complaint that her daughter Rajrani died due to harassment by the petitioner and his relatives and she was alleged to have killed on 17.03.2019. The petitioner had preferred ABP No. 1495 of 2019 and it was rejected on 27.07.2019, hence the



present petition. On perusal of the order dated 27.07.2019 passed in ABP No. 1495 of 2019, *prima facie*, it appears that it is one of heinous crime under Section 304 (B) of the Indian Penal Code. Therefore, the petitioner has not made out a *prima facie* case to grant anticipatory bail. The alleged allegation was that the petitioner and her family members and relatives were demanding a sum of Rs. 2,00,000/- and one motorcycle as dowry and not meeting the aforesaid demand it is alleged that petitioner has conspired to kill the informant's daughter.

In view of these facts and circumstances, the petitioner has not made out a case to grant anticipatory bail. The prayer for anticipatory bail is rejected reserving liberty to the petitioner to surrender before the jurisdiction court and move for regular bail.

In the event of surrender and moving bail application/petition before the jurisdiction of the Court, the jurisdiction of the Court is hereby directed to consider bail application within a period of two weeks from the date of receipt of such regular bail petition/application.

Accordingly, the petition stands disposed off.

(P. B. Bajanthri, J)

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