

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58071 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- JANDAHA District- Vaishali

Vikash Rai @ Vikash Kumar Son of Raj Narain Rai Resident of Village-
Rohuha, P.S.- Jandaha, District- Vaishali (Hajipur)

... .. Petitioner

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Md. Soban Asghar, Advocate
For the Opposite Party : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehend his arrest in a case registered for
the offence punishable under Sections 304(B), 201, 34 of the
Indian Penal Code.

Allegedly, the petitioner alongwith other accused family
members is said to have murdered the sister of the informant on
account of non-fulfillment of demand of dowry.

It is submitted by learned counsel for the petitioner that
petitioner has been falsely implicated in this case. Petitioner has
no criminal antecedent. It is further submitted that the
occurrence took place on 15.07.2021 and the F.I.R. was lodged
on 19.07.2021. There is delay in the filing of F.I.R. and there is
no explanation regarding the delay in the filing of the F.I.R.,



which creates a serious doubt about the prosecution case. Learned counsel for the petitioner further submits that petitioner was not present at the place of occurrence, he was admitted in the hospital. It is clear from annexure-2 and 3 of the bail application. Petitioner has no criminal antecedent as mentioned in para-3 of the bail application.

Learned APP for the State vehemently opposed the prayer for anticipatory bail application as the petitioner is the husband of the deceased.

Having regard to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. The prayer for grant of anticipatory bail to the petitioner is hereby rejected.

This application is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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