

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7771 of 2023

Arising Out of PS. Case No.-270 Year-2022 Thana- PARBATTa District- Khagaria

RAHUL KUMAR @ RAHUL CHOUDHARY Son of Bipin Choudhary
Resident of Village- Mathura Pur (Mauniyachak), P.S.- Parbatta (Bharat
Khand), District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murlidhar Mishra, Advocate
For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the petitioner and
learned APP for the State.

This is an application for grant of anticipatory bail
in connection with Parbatta (Bharat Khand) P.S. Case No.270 of
2022, registered for offence under Section 302/34 of the IPC.

The allegation is regarding the accused persons,
including the petitioner herein, having killed the deceased
victim lady on account of non-fulfilment of demand for dowry.
It is also alleged that the sister of the informant was married
with one Sujeet Kumar, who happens to be the brother of the
petitioner, in the year 2007, as per Hindu rites and rituals.

The learned counsel for the petitioner 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 further submitted that the petitioner is living separately from his brother and his wife since before the marriage had been solemnized in between them and the main accused, i.e. the brother of the petitioner, who is the husband of the deceased-victim lady has already been arrested and is in custody since 23.06.2022, as has been stated in paragraph no.12 of the present petition. It is also submitted that no specific allegation has been levelled qua the petitioner herein, hence, he is not having any complicity in the matter.

Per contra, the learned APP for the State 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 parties and taking into account the materials available on record as also considering the fact that the husband of the deceased victim is already behind bars and no specific allegation has been levelled qua the petitioner herein, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named 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 SDJM, Khagaria in connection with Parbatta (Bharat Khand) P.S. Case No.270 of 2022, 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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