

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40280 of 2023**

Arising Out of PS. Case No.-850 Year-2022 Thana- TEKARI District- Gaya

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KANHAIYA MISHRA, son of Indradev Mishra @ Indra Deo Mishra
Mohalla- Under Killa Ps- Tekari Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-07-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Tekari P.S. Case No. 850 of 2022 dated 10.12.2022 registered for the offences punishable u/s 304B read with Section 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have committed murder of the informant's sister due to non-fulfillment of demand of dowry.

5. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner never demanded any dowry nor tortured the victim. It is further submitted that as per post-mortem report, there was no mechanical ante-mortem injury found on the whole body of the deceased and death may be caused due to asphyxia and shock. The petitioner has got clean antecedent as stated in para 3 of the bail petition. The petitioner is the husband of the deceased and he is in custody since 11.12.2022.

6. Learned A.P.P. for the State has vehemently opposed the prayer of bail petition of the petitioner who is the husband of the deceased.

7. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner above-named on bail.

8. Accordingly, his prayer for grant of bail is rejected.

9. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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