

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74335 of 2022**

Arising Out of PS. Case No.-154 Year-2022 Thana- BAKHTIARPUR District- Saharsa

CHANDAN MUKHIYA S/O BASO MUKHIYA R/v- Karua, Ward No.5,  
P.S.- Simri Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      20-06-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 10.05.2022 in connection with S.T. No. 226 of 2022 corresponding to Simri Bakhtiyarpur (Balwahat) P.S. Case No. 154 of 2022, F.I.R. dated 25.04.2022 for the offences punishable under Sections 302, 34 of the Indian Penal Code.

According to prosecution case, as per F.I.R., all the accused persons including these petitioners killed the daughter of the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the marriage was performed with the victim sixteen years ago, so no



case is made out under Section 304B of the Indian Penal Code. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R..

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the basis of material available on the record and case diary submits that the allegation as alleged in the F.I.R. is supported by the medical evidence (postmortem report).

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with S.T. No. 226 of 2022 corresponding to Simri Bakhtiyarpur (Balwahat) P.S. Case No. 154 of 2022 pending in the court of learned Additional Sessions Judge-VII at Saharsa.

Prayer is refused.

**(Rajesh Kumar Verma, J)**

mdrashid/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

