

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60682 of 2023

Arising Out of PS. Case No.-105 Year-2022 Thana- BODHGAYA District- Gaya

Chandan Kumar S/O Shiv Nandan Prasad @ Shiv Nandan Prasad Mahto @
Shiv Nandan Mahto R/O Village- Bataspur, Ps. Bodhgaya, Dist. Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad,Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha,A.P.P

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

ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bodhgaya P.S Case No. 105 of 2022 dated 23.02.2022 registered for the offence punishable u/s 304B and 34 of the Indian Penal Code.

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

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in



para 3 of the bail petition. It is further submitted that post mortem report of the deceased also shows that the deceased had committed suicide and at the time of suicide the petitioner and other family members had gone outside the house. There is general and omnibus allegation against the petitioner who is husband of the deceased. The petitioner neither demanded any dowry nor tortured the deceased. The other co-accused persons have already been granted bail by this Court *vide* order dated 09.11.2023 passed in Cr. Misc. No. 51587/2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the heinous nature of allegation against the petitioner as well as the materials available on record against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner in accordance with law and on its merits without being prejudice by this order.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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