

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.715 of 2015

Arising Out of PS.Case No. -155 Year- 2014 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

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1. Arvind Yadav son of Late Bhikhari Yadav,
2. Pappu Yadav son of Sri Arvind Yadav, Both are resident of Village -
Sakraul, P.S. - Deepnagar, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate.

For the Opposite Party/s : Mr. Nityanand(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 02-02-2015 The petitioner no. 1 Arvind Yadav has already been taken

into custody. Shri Ajay Thakur, learned counsel for the petitioners
submits that prayer for anticipatory bail of petitioner no. 1 has become
infructuous. Accordingly, the same is dismissed as has become
infructuous.

Heard both sides.

The petitioner no. 2 namely, Pappu Yadav apprehends his
arrest in Deepnagar P.S. Case No. 155 of 2014, registered for the
offences punishable under Section 304B and other Sections of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The informant, father of the deceased alleged that his
daughter Chanchala Kumari was married to Upendra Yadav, but
sometimes after the marriage the accused persons began to demand

additional dowry and the accused persons killed his daughter.

Learned counsel for the petitioner submits that from perusal of the FIR itself, it would appear that petitioner Pappu Yadav is the cousin of the husband of the deceased. There is no specific allegation against the petitioner about demand of dowry and torture. The petitioner was seen while participating in the cremation of the dead body, hence, at best the offence under Section 201 of the Indian Penal Code is made out. The mother-in-law of the deceased has already been granted anticipatory bail.

It appears that the petitioner is cousin of the husband of the deceased. The informant has not made any specific allegation of demand of dowry and torture against the petitioner.

Considering the facts aforesaid the petitioner no. 2 namely, Pappu Yadav, 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Deepnagar P.S. Case No. 155 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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