

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19634 of 2015

Arising out of PS.Case No. -183 Year- 2014 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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Santosh Yadav, Son of Sri Chanirak Yadav, resident of Village- Makanpur
Tola Chak Sundarpur, P.S. Noorsarai, District-Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bhola Kumar, Advocate.

For the Opposite Party : Mr. Kr. Ranjit Ranjan(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-04-2015

The petitioner is apprehending his arrest in connection with Noorsarai P.S. Case No. 183 of 2014 registered for the offences punishable under Sections 304(B) and 328/34 of the Indian Penal Code.

Heard learned counsel for the petitioner and the State.

The prosecution case based on the First Information Report, in short, is that the informant Soni Yadav had got his sister Asho Devi(deceased) married with the accused Pappu Yadav(husband of the deceased) five years back and her Gauna was performed 14 months back and she was living in her matrimonial house where the accused persons were demanding of a buffalo and a golden chain and due to non-fulfillment of the said demand, they used to commit cruelty against the deceased. On

03.07.2014, the informant got information on mobile that his sister had died and thereafter, the informant and others went to his Sasural house of his sister where the sister of the informant was found dead. The informant has claimed that the accused persons have killed his sister by administering poison on account of non-fulfillment of the said demand.

Learned counsel on behalf of the petitioner has submitted that the petitioner has clean antecedent, the petitioner is the brother-in-law(Dewar) of the deceased and no specific allegation has been attributed against him. It is further submitted that the petitioner lives separately and he has no concern with the family of his brother. In the present case, the police submitted the charge sheet where they have found the implication of the petitioner to be false. Same is Annexure-2 to the application. Learned Magistrate differing with the police report, took cognizance for the offence under Section 304(B) and other Sections. It is further submitted on behalf of the petitioner that the informant has filed a petition before the learned court below where he has admitted that due to mistake of fact he had named the petitioner in the First Information Report. The said petition is Annexure-4 to the application.

On behalf of the State, it has been submitted that the

petitioner is made in the First Information Report and he is the Dewar of the deceased. It is further stated that the deceased had died within the period of seven years of her marriage.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be granted on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Noorsarai P.S. Case No. 183 of 2014, on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Nalanda at Biharsharif, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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