

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28623 of 2015**

Arising Out of PS.Case No. -67 Year- 2015 Thana -PANCHRUKHI District- SIWAN

1. Sabhapati Pandey son of Sri Bhagwari Pandey resident of village - Chap,  
Tola Teghara, Police Station - Pachrukhi, District - Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kundan Kumar Sinha

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

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      01-10-2015      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner is apprehending his arrest in a case  
instituted under Section 304 (B) of the Indian Penal Code.

The prosecution case, in short, is that the main  
accusation against the petitioner is of causing dowry death of the  
informant's sister by burning the deceased, who was the wife of  
the petitioner.

It has been submitted on behalf of the petitioner that the  
petitioner has got no criminal antecedent. The petitioner has been  
made accused due to mistake of fact. From the perusal of the first  
information report itself, it appears that the marriage of the  
petitioner with the deceased was performed in the year 1991,

hence, no offence under Section 304B I.P.C. could be made out against the petitioner. From the perusal of paragraph No.9 of the case diary, it would appear that the son of the deceased has been examined in the course of investigation where he has admitted that the deceased died due to accidental fire. Another eye witness in paragraph No.15 of the case diary has also stated that the deceased died due to accidental fire.

On behalf of the State, it is submitted that the petitioner is named in the first information report and he is the husband of the deceased.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest/surrender in the court below within a period of four weeks, be released 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 Sub-divisional Judicial Magistrate, Siwan in connection with Pachrukhi P.S. Case No. 67 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

V.P.Sinha/-

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