

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32403 of 2015

Arising Out of PS.Case No. -39 Year- 2014 Thana -ATRI District- GAYA

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1. Brajesh Kumar @ Brajesh Yadav S/o Babu Lal Yadav Resident of
Village Chahal, Police Station Atri, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Binod Kumar -Iii(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 03-11-2015

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner being the husband apprehends
arrest in a case registered for the offences punishable under
sections 302, 201/34 of the Indian Penal Code.

Case diary in the present case was called for
which has since been received.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case as there
was no dispute in between the husband and wife of the petitioner.
It is submitted that the victim lady was in the family way at the
time she died and she was having problems on account of
pregnancy. Learned counsel further submits that the petitioner's
family had informed the father and mother of the deceased lady at
the time she became ill and died. There was no dispute and all the

family members participated in her cremation. However, at the instigation of certain jealous persons the present case has been instituted making false allegation of dowry demand and torture. He further submits that even in the case diary other close relatives, namely, maternal uncle (Mama and Mause) of the deceased have stated that the victim died during the course of pregnancy and her family had been intensively involved in cremation of the victim lady.

Considering the aforementioned facts and circumstances of the case and that there is material in the case diary to show that there was no role assigned to the petitioner in the act of torture and demand of dowry and the death has occurred due to natural circumstance, the petitioner, above named, in the event of arrest or surrender in the court below within four weeks from the date of receipt/production of a copy of this order, shall 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, Gaya in connection with Atri P.S. Case No 39 of 2014 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

(Anjana Mishra, J)

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