

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5284 of 2016

Arising Out of PS.Case No. -147 Year- 2014 Thana -RAFIGANJ District- AURANGABAD

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Mithilesh Yadav @ Mithlesh Yadav Son of Late Bhagvat Yadav, resident
of village- Khaira, P.s. Rafiganj, District- Aurangabad (Bihar)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Singh

For the Opposite Party/s : Md. Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 06-05-2016 Heard learned counsel for the petitioner and the learned
Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out
of Rafiganj P.S.Case No. 147/2014, disclosing offences under
sections 302, 201/34 of the Indian Penal Code and section 3/4 of
the Dowry Prohibition Act.

The petitioner is the husband of the deceased.

It is submitted on behalf of the petitioner that in the
F.I.R., all the family members of the petitioner were implicated for
killing of the deceased on the basis of mere suspicion. She has
drawn my attention to the judgment and order passed by the
learned Addl. Sessions Judge V, Aurangabad in Sessions Trial No.
103/2015- 37/2015, arising out of the same Rafiganj P.S.Case No.
147/2014, whereby co-accused Awdhesh Yadav and Guddu

Kumar Yadav have been acquitted. She has relied on paragraph no.16 of the said judgment, which contains deposition of the informant as P.W.9, who has categorically said that there was no demand of dowry nor the accused persons had ever assaulted her.

Considering the submissions, as above, this application is allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six weeks from today, 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 Chief Judicial Magistrate, Aurangabad in Rafiganj P.S. Case No. 147/2014, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself before the police/ court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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