

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19396 of 2016

Arising Out of PS.Case No. -266 Year- 2014 Thana -MAHILA P.S. District- SIWAN

Sonu Bhagat son of Manager Bhagat, resident of village- Done Bujurg,
P.S.- Darauli, District- Siwan

.... Petitioner/s

Versus

1The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Satyendra Narayan Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 01-09-2016

Heard learned counsels for the petitioner

and the State.

The petitioner being the husband of the daughter of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 304B, 201 and 498A of the Indian Penal Code.

The basic accusation is of killing the daughter of the informant within four months of the marriage for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the daughter of the informant eloped with one Rajan Bhagat, who happened to be her relative, and when the information to that effect was given to her parents then they



came and made assault to the petitioner and his family member leading to the lodging of Darauli P.S. Case No. 155 of 2014, by the petitioner and in retaliation to the same the husband of the informant lodged Darauli P.S. Case No. 156 of 2014 but in the FIR the informant has not disclosed the accusation of demand of dowry or committing the murder of the daughter of the informant.

The learned APP after going through the case diary submits that the victim has been recovered and hence, no case under Section 304B of the IPC is made out. In 164 Cr.P.C. statement the victim has stated that she eloped with Rajan Bhagat.

Considering the aforesaid facts, the mother of the petitioner has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 46866 of 2015 whereas the father, sister and brother of the petitioner have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. NO. 47912 of 2015.

Considering the fact that 164 Cr.P.C. statement of the victim completely negates the prosecution case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned court below

within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Siwan in connection with Siwan Mahila P.S. Case No. 266 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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