

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51940 of 2016

Arising Out of PS.Case No. -968 Year- 2011 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Kanhai Sao son of Sadhu Sao, R/o village- Deo Pokhra Par, P.S.- Deo,
Distt.- Aurangabad

.... Petitioner

Versus

1. State of Bihar
2. Subhash Sao S/o Late Dhuna Sao, r/o vill- Bardgaon, PS- Rafiganj,
Distt.- Aurangabad, at present R/o East Basuriyan, sector-4, Dhanbad,
P.S.- Tetulmari, (Bhuli), Distt.- Dhanbad (Jharkhand)

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-12-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Complaint Case No. 968 of 2011 for the offences instituted
under Sections 304(B) and 120(B) of the Indian Penal Code.

The allegation against the petitioner is of committing
murder of the deceased due to non-fulfillment of the demand of
dowry and her dead body was cremated by the accused persons.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. He has



falsely been implicated in the present case. From perusal of the Annexure-2 to the present application, it is evident that the F.I.R. was instituted as Deo P.S. Case No. 03 of 2011 in respect to missing of the deceased. The complainant as a witness had put his signature on the said F.I.R. On the basis of said F.I.R., the matter was referred to the S.H.O. of concerned police station for submitting an inquiry report vide Annexure-3 to the present application. The S.H.O. submitted an enquiry report before the Superintendent of Police, Aurangabad giving detailed facts of the case. It was reported that the body of the deceased was found on a railway track and for that a separate UD case was instituted by the Sasaram Rail Police. Thereafter the body was handed over to the family members including the complainant. In respect to the present complaint case, a report was called for by the court below from the S.H.O. of Deo Police Station. The said report is Annexure-4 to the present application. Same fact has been reiterated in the Annexure-4 to the present application also. From perusal of the Annexures-2, 3 and 4, it is evident that no case for an offence under Section 304(B) of the Indian Penal Code has been committed by the petitioner or his family members. Cognizance has been taken in the present case on 24.04.2016.

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



petitioner is named in the Complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No. 968 of 2011 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Aurangabad, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J.)

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