

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16111 of 2016

Arising Out of PS.Case No. -71 Year- 2010 Thana -FATEHPUR District- GAYA

=====

Anil Kumar Yadav @ Anil Yadav S/o Nanku Yadav, Resident of Village-
Simariya, P.S.- Fatehpur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Indra Kumar Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 15-02-2017

Heard learned counsels for the petitioner and
the State,

The petitioner has renewed his prayer for
anticipatory bail in a case registered for the offences punishable
under Sections 302 and 201/34 of the Indian Penal Code on the
ground that the husband of the victim, father and uncle of the
husband of the victim have been acquitted by learned Ad hoc
Additional Sessions Judge-I, Gaya vide judgment dated
31.10.2014 passed in Sessions Trial No. 74 of 2011 as contained
in Annexure-4.

The prosecution case is that the daughter of



the informant was married to co-accused Rajesh Yadav, the brother of the petitioner, in 1998 but there was no issue out of the wedlock as a result she was being tortured and ultimately killed on 06.05.2010. The informant found bleeding injury when he reached to the in-laws house of the victim.

It is submitted by learned counsel for the petitioner that, though, the prayer for anticipatory bail of the petitioner was earlier disposed of vide order dated 04.10.2012 passed in Cr. Misc. No. 34893 of 2012 but under some misconception the petitioner could not surrender before the learned court below and now the husband of the victim has been acquitted, hence, his prayer for anticipatory bail may be considered.

Keeping in view of the fact that the case was registered in 2010 when the earlier anticipatory bail application of the petitioner was disposed of on 04.10.2012, this Court is not inclined to revise the earlier order. However, let the learned court below consider the prayer for bail of the petitioner, if he surrenders before the learned court below within a period of six weeks from today in connection with Fatehpur P.S. Case No. 71 of 2010 pending in the court of ACJM-X, Gaya keeping in view of the fact that the husband of the victim has already been acquitted.



Accordingly, this application is disposed of
with the above observation and direction.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

