

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51946 of 2018

Arising Out of PS. Case No.-125 Year-2018 Thana- KHIJARSARAI District- Gaya

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1. Sadhu Yadav, son of Late Shree Yadav
 2. Usha Devi wife of Sadhu Yadav
 3. Satish Kumar son of Sadhu Yadav All resident of Village- Mokamchak, Police Station- Khizarsarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Opposite Party/s : Mr. S. Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 01-10-2018 Counsel for the petitioners seeks permission to withdraw the application on behalf of petitioners No.2 and 3 as they have been taken into judicial custody.

Permission is accorded.

The application on behalf of petitioners No.2 and 3 is dismissed as withdrawn.

Heard learned counsel for the petitioner No.1 and learned APP for the State.

The petitioner No.1 is apprehending his arrest in a case registered under Sections 302, 201, 120B/34 of the Indian Penal Code.

The prosecution case, in short, is that the accused persons including the petitioner caused death of the informant's daughter



due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner No.1 that the petitioner No.1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No.1. The petitioner No.1 has falsely been implicated in the present case. Petitioner No.1 is separate in mess and property from the husband of the deceased. He has got no concern with the alleged occurrence. The petitioner No.1 is the father-in-law of the deceased. Paragraph 20 of the case diary is the inculpatory statement of the husband of the deceased, where husband of the deceased has admitted that he had killed his wife. Similar evidence has come in paragraph nos.59, 74, 82, 138 and 139 of the case diary. There is no eye witness to the alleged occurrence. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner No.1 in the present case.

On behalf of the State, it is submitted that the petitioner No.1 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner No.1, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Khizarsarai P.S. case No.125 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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