

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27367 of 2018

Arising Out of PS. Case No.-12 Year-2017 Thana- NIMCHAKBATHANI District- Gaya

Yogendra Yadav S/o Mochhu Yadav, R/o Vill.- Rasalpur, P.S.- Khudaganj,
District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kiran Sinha, Adv.

For the Opposite Party/s : Sri Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-05-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner, being the brother-in-law of the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 22.01.2017 submitted by Vikash Kumar to the Station House Officer, Neemchak Bathani Police Station to the effect that the informant's sister Dhanbanti Devi was married with Mukesh Yadav in the year 2011. On 12.01.2017, on the eve of Makar Shokranti, the informant went to the in-laws house of his sister where he came to know that her sister has been killed by her husband and in-laws family members on 18.08.2016 and



the dead body of the victim has been disposed off by this petitioner by taking it on a car. It is also alleged that the accused persons used to torture the victim for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the informant came to know about the death of the victim on 12.01.2017, but the FIR was lodged on 12.01.2017 and it reached to the Court of learned ACJM on 27.01.2017, but there is no explanation for such delay in lodging of the FIR and its delayed reaching to the learned Court below, which cloud the bona fide of the accusation. Moreover, the accusation against the petitioner is only of disposal of the dead body, hence, at best the offence under Section 201 IPC is made out, which is bailable. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner.

Considering the delayed lodging of the FIR, only accusation against the petitioner is of disposing of the dead body of the victim, which at best constitutes offence under Section 201 I.P.C, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent,



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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM,10th, Gaya in connection with Neemchak Bathani P.S. Case No.12 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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