

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62575 of 2017

Arising Out of PS.Case No. -83 Year- 2017 Thana -LALIT NARAYAN UNIVERSITY District-
DARBHANGA

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PIYUSH MANDHYAN @ P. MANDHYAN @ PIYUSH MADHYAN,
son of Tikam Chand Mandhyan resident of House No. 122/333 Shashtri
Nagar, P.S.- Kakadev, District- Kanpur (U.P.).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amarendra Nath Verma, Advocate.
For the State : Mr. Rajendra Nath Jha, A.P.P.
For the O.P. No. 2 : M/S. Ram Priya Sharan and Kedar Jha,
Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 06-02-2018 Heard learned counsel for the petitioner, learned
counsel for opposite party no. 2 and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 304(B), 498(A), 302,
120(B), 379, 406 of the IPC and ¾ of the D.P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioner killed the victim due to non-
fulfilment of demand of dowry.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the



petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The police has submitted charge sheet in the present case stating that it is mistake of fact. The date of occurrence is of 19.03.2017 as to when complaint case was filed on 10.04.2017. Later on, the said complaint case was referred for instituting of F.I.R under Section 156(3) Cr. P.C. Delay on the part of the prosecution has not been explained. Paragraph nos. 46 and 47 of the case diary indicate that the victim while delivering a male child succumbed to death. The said fact has supported by other witnesses in paragraph nos. 42, 55 and 61 of the case diary.

On behalf of the learned counsel for the informant, it has been submitted that the petitioner is husband of the deceased. The statements of the witnesses recorded in paragraph nos. 6,7,8,9 and 15 of the case diary supported the allegations made in the F.I.R./Complaint Case. The said witnesses are none else but the family members and relatives of the deceased.

Learned counsel for the State submits that the charge sheet has been submitted in the present case stating therein that the said case is mistake of fact.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned C.J.M. Darbhanga, in connection with L.N.M. University (Darbhanga) P.S. Case No. 83 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

