

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47760 of 2018

Arising Out of PS.Case No. -137 Year- 2017 Thana -MALSALAMI District- PATNA

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Nitesh Kumar Yadav @ Nitesh @ Nitish Kumar Yadav, S/o Lal Babu Rai,
R/o Mohalla- Sarifaganj, P.S.- Malsalami, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Gajanan Mishra, Advocate.

For the Opposite Party : Mr. Braj Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-08-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
17.05.2018 in a case for the offence registered under Sections
304(B) and 498(A)/34 of the IPC.

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.
Charge sheet has been submitted in the present case. There is no
allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has been made accused in the present



case due to mistake of fact. The parents of the deceased has filed affidavit vide Annexure-2 and 2/A series to the present application in the court below stating that the present case has been instituted due to mistake of fact.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on 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 A.C.J.M.-IV, Patna City, Patna, in connection with Malsalami P.S. Case No. 137 of 2017.

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(Sudhir Singh, J)

