

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22691 of 2018

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

Nitesh Kumar Yadav @ Nitish Kr. Yadav, Son of Lal Babu Rai, Resident of
Mohalla Sharifaganj, P.S.- Malasalami, Patna City, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Krishna Prasad Yadav

For the Opposite Party/s : Mr. Madhuranand Jha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 304B, 498(a)/34 of the Indian Penal
Code.

Allegation against the petitioner is of committing
torture upon the victim and thereafter killed her due to non-
fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the
present case due to petty family dispute. There is no eye witness
to the alleged occurrence nor there is any independent witness to



support the allegation levelled in the F.I.R. Vide Annexure-2 to the present application, an affidavit has been filed by the family members of the deceased where it has been stated that the case has been instituted due to mistake of fact.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.. He is the husband of the deceased, as such, the onus is upon him to explain the cause of death.

Considering the same, I am not inclined to grant bail to the petitioner. The same is rejected. Anyhow, if the petitioner surrenders in the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by the present order.

(Sudhir Singh, J)

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