

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2201 of 2018

Arising Out of PS.Case No. -39 Year- 2017 Thana -BELA District- SITAMARHI

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Dhirendra Yadav S/o Devendra Rai, R/o Village- Dimahi, P.S.- Bela,
District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 16-01-2018

Heard learned counsel for the petitioner and

learned APP for the State.

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

The prosecution case got initiated with the fardbeyan of Bilat Rai recorded by S.I. Ujjawal Kumar of Bela Police Station on 09.02.2017 at 7.30 P.M. at the house of Devendra Ray is to the effect that the informant's daughter Asha Devi was married with Jitendra Yadav about one and half years prior to the lodging of the case. The martial relationship was cordial for sometime and thereafter, in-laws people including the



husband used to torture for non-fulfillment of the dowry demand. On 09.02.2017 at 2.30 P.M. Dhirendra Yadav, the petitioner informed the informant to come and consequently the informant went to the in-laws house of her daughter and found her dead with ligature mark on the neck when it was claimed by the informant that the victim was killed by strangulation.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general. The informant has subsequently retracted from the initial version and filed a petition to that effect before the Court of learned SDJM, Sadar Sitamarhi on 25.07.2017. Moreover, the bonafide of the petitioner gets reflected from the fact that the informant admitted that the petitioner, who actually informed the informant and considering the fact that the parents of the husband of the victim namely, Devendra Rai and Sunaina Devi have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. Nos. 42205 of 2017 and 47468 of 2017.

Learned APP submits that the accusation is against all in-laws including the petitioner.

Considering the fact that the thrust of accusation is against the husband and similarly situated co-accused persons have been granted anticipatory bail coupled



with the fact that the informant has retracted from the initial version, 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 twelve weeks from today, 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, Sitamarhi in connection with Bela P.S. Case No. 39 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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