

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1943 of 2018

Arising Out of PS. Case No.-254 Year-2015 Thana- SURYAGARHA District- Lakhisarai

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Jitendra Kumar @ Jitendra Yadav, son of Shivji Yadav, Resident of village-
Nista, P.s.- Surajgarha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Tribhuban Yadav, son of late Brahamdeo Yadav, R/o- village Gosai Gaon,
P.S.- Ghosbari, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Narayan Singh
For the Opposite Party/s : Mr. SRI NIRMAL KUMAR SINHA

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-02-2018 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for O.P. No.2.

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

Allegation is that accused persons including the petitioner have committed murder of the victim by setting her on fire 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 been made accused due to mistake of fact. A U.D case was instituted by the brother of the deceased



vide U.D. Case No. 9 of 2015 dated 09.06.2015 which is the date of the occurrence wherein it has been stated by the brother of the deceased that the deceased sustained burn injuries as she had caught fire while cooking. Subsequently, the father of the deceased on 30.06.2015 i.e. after approximately 20 days of the alleged occurrence filed a Complaint Case which was referred under Section 156(3) Cr.P.C. by the Court below for institution of F.I.R.. After the institution of the F.I.R., the case was investigated by the Police and final form was submitted against the petitioner and other accused persons finding the accusations to be false. The final form submitted by the Police was accepted by the Court below and the Court below proceeded on the basis of a protest-cum-complaint relying upon the S.A. recorded of the complainant and issued process against the petitioner and others.

The alleged occurrence is said to be of 09.06.2015 but the father of the complainant contrary to the U.D. case filed a complaint case i.e. on 30.06.2015. Delay has not been explained by the complainant/informant of the present case. Police submitted a final form exonerating the accuseds from the present case finding the case to be false.

On behalf of the State, it has been submitted that the



police after proper investigation only has found the case to be false and submitted final form against the petitioner and other accused persons.

On behalf of the complainant/informant, it has been submitted that specific allegations have been made in the protest-cum-complaint filed by the father of the deceased.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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 learned Chief Judicial Magistrate, Lakhisarai in connection with Surajgarha P.S. Case No. 254 of 2015 (arising out Complaint Case No. 288(C) of 2016), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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