

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29522 of 2018

Arising Out of PS. Case No.-286 Year-2017 Thana- SAHKUND District- Bhagalpur

-
1. Bina Devi Wife of late Krishna Yadav
 2. Lokesh Yadav@ Lukesh Kumar Yadav Son of late Krishna Yadav
 3. Mukesh Yadav Son of late Krishna Yadav
 4. Balmiki Yadav@ Balmiki Kumar Son of late Krishna Yadav All Resident of Village- Kashwa Kherahi, P.S. Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra
For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-05-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 498A and 304(B) of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioners is of committing torture, assault and thereafter committed murder of the deceased due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioner nos. 1, 3 and 4 are mother-in-law and



devars respectively of the deceased. They have falsely been implicated in the present case due to petty family dispute. They are separate in mess in property from the husband of the deceased who is petitioner no. 2. They have been made accused due to mistake of fact.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1, 3 and 4, 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) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bhagalpur in connection with Shahkund P.S. Case No. 286 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner no. 2 is concerned, it has been submitted on behalf of the State that there is specific allegation for demand of dowry against the petitioner no. 2. He is the husband of the deceased. The onus is on him to explain the cause of death.

Considering the same, I am not inclined to grant



anticipatory bail to the petitioner no. 2. His prayer is rejected.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

