

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62220 of 2018

Arising Out of PS.Case No. -24 Year- 2018 Thana -AKBARPUR District- NAWADA

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Pappu Yadav, Son of late Chano Yadav, Resident of Village- Pithauri Tola,
Talkeshwar Bigha, P.S. Akbarpur, District- Nawada.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Niraj Kumar, Advocate.

For the Opposite Party : Mr. Arun Kumar Singh -5, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-10-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 304(B), 201, 494/34 of the
IPC and $\frac{3}{4}$ of the D.P. Act.

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. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner is husband of the deceased. The
petitioner has been made accused in the present case due to



mistake of fact. The same is evident from Annexure-3 to the present application where the informant of the case has retracted from his earlier statement made in the F.I.R. He has filed a petition in the learned court below to that effect. The alleged occurrence had taken place 11 years prior to the date of occurrence. Hence, no offence under Section 304(B) of the IPC is made out.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R and he is husband of the deceased.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned C.J.M. Nawada, in connection with Akbarpur P.S. Case No. 24 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)