

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52343 of 2018

Arising Out of PS.Case No. -73 Year- 2016 Thana -JAMALPUR District- DARBHANGA

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Kali Charan Mukhiya, S/o Late Pitamber Mukhia, R/v - Bauram, P.S.-
Jamalpur (Bargaon O.P.), Distt.- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar, Advocate.

For the Opposite Party : Mr. Nand Kishore Pd. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-09-2018 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), 302 and 201/34 of
the IPC.

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 has been made accused in the present
case due to mistake of fact. An affidavit has been filed by the



informant before the Additional Chief Judicial Magistrate, Biraul and an affidavit has also been filed by the wife of the informant before the Additional District and Sessions Judge, Benipur, vide Annexures- 4 and 5 to the present application, stating that the present case has been instituted due to mistake of fact.

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

Considering the affidavits filed on behalf of the informant and his wife before the court below, 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 A.C.J.M. Biraul at Benipur, District-Darbhanga, in connection with Jamalpur P.S. Case No. 73/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

