

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3925 of 2019

Arising Out of PS. Case No.-310 Year-2018 Thana- SHERGHATI District- Gaya

Binod Yadav @ Vinod Yadav, Son of Lekha Yadav, Resedent of Village-
Achchma, P.S.- Dobhi, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Shivendra Prasad, Advocate.

For the Opposite Party : Mr.Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-01-2019 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 302/34 of the IPC.

The prosecution story, in brief, is that the
informant's daughter Suman Devi was married with this
petitioner in the year 2002 and in the year 2006 second marriage
had taken place. After some time, her in-laws started torturing
because she had not given birth to any child. He tried to pacify
the matter and requested them to get her treated but of no result.
He himself got his daughter and son-in-law treated but even
then they remained intact. Hence, he lodged a case in Sherghati
Court whereafter accused persons compromised the matter in
written on Stamp Paper. It is further alleged that on 07.06.2018



at about 3.00 A.M. he got information on phone that the accused persons killed his daughter and threw the dead body in *Kuan*. Two days earlier, his daughter told him on phone that her in-laws are extending threat to her that thing would kill her. He went there and found the dead body of his daughter lying on *Cot* in the *courtyard* of her house.

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. This case relates to offence under Section 302 of the IPC. There is no eye witness to the alleged occurrence nor there is any substantive evidence to suggest the implication of the petitioner in the present case.

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

Considering the same, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Sherghaty (Dobhi) P.S. Case No. 310 of 2018, pending in the court of learned A.C.J.M. Sherghaty (Gaya). Anyhow, if the petitioner surrenders and prays for regular bail in



the learned court below, the same shall be considered on its own
merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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