

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34526 of 2019

Arising Out of PS. Case No.-167 Year-2017 Thana- RIVILGANJ District- Saran

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Upendra Kumar Yadav @ Upendra Rai, aged about 29 years, Male, Son of
Ram Jatan Rai, Resident of Village Rivilganj Thakurbari, P.S. Rivilganj,
District Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 28-05-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The instant application has been filed by the petitioner-
brother-in-law(Devar) of the deceased, who apprehends his
arrest in connection with Rivilganj P.S. Case No. 167 of 2017,
registered for offence punishable under Sections 304B/ 34 of the
Indian Penal Code.

As per F.I.R., allegation against the petitioner is that the
marriage of the daughter of the informant was solemnized in the
year 2012 and the petitioner along with other relatives used to
torture the deceased due to non fulfillment of demand of dowry.

It is submitted on behalf of the petitioner that there is no
specific allegation against the petitioner, who happens to be
Devar of the deceased and he was working in Steel Plant,
Durgapur and as such the delay in moving to file. It is stated that
the investigation has been concluded and charge sheet has been



filed under Section 306/34 of the Indian Penal Code.

Learned APP for the State opposes the prayer for bail and submits that there is allegation of demand of dowry against all the accused persons including the petitioner herein and the deceased died within seven years of marriage.

Considering the facts and circumstances of the case as also the facts that a number of similarly situated co-accused persons namely, Ramjatan Rai, Panna Devi, Mahabir Rai and Saraswati Devi have all been enlarged on anticipatory bail by order dated 23.11.2017 passed in Cr. Misc. No. 53734 of 2017 let the petitioner, Upendra Kumar Yadav @ Upendra Rai, in the event of his arrest or surrender in the court below within a period of six weeks from today in connection with Rivilganj P.S. Case No. 167 of 2017, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-8, Chapra, subject to the conditions as laid down under Section 438 (2) of Cr.P.C.

(Partha Sarthy, J)

sudha/Gautam

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