

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10088 of 2021

Arising Out of PS. Case No.-16 Year-2019 Thana- FATEHPUR District- Gaya

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UPENDRA YADAV SON OF SHANKAR YADAV RESIDENT OF
VILLAGE- DUNDU, P.S.- GURPA O.P., FATEHPUR, DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 31-08-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in Fatehpur
(Gurpa O.P.) P.S. Case No. 16 of 2019 registered under Section
304(B)/34 of the Indian Penal Code.

Allegation against the petitioner is of committing torture
and caused death of the victim due to non-fulfillment of demand
of dowry. .

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The



petitioner has been falsely implicated in the present case. There is no eye witness to the alleged occurrence.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. He is husband of the deceased. As per viscera report, Aluminium Phosphide was found. The onus is upon the petitioner to explain cause of death of his wife.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail to the petitioner in connection with Fatehpur (Gurpa O.P.) P.S. Case No. 16 of 2019 is rejected.

If the petitioner surrenders before the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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