

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60974 of 2021

Arising Out of PS. Case No.-476 Year-2019 Thana- JAYNAGAR District- Madhubani

Rakesh Yadav Son Of Late Dukhi Yadav R/O Village- Ekdara, P.S.- Khajauli,
District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Masoom Alam, Advocate
For the Opposite Party/s : Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-10-2022 Heard learned counsel for the petitioner and the

State.

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

The petitioner is apprehending his arrest in connection
with Jainagar P.S. Case No. 476 of 2019-CRI No. 1790 of 2019
registered under Section-304B/201/34 of the Indian Penal Code.

Allegation against the petitioner including other
accused persons is of torturing and causing death of the
deceased for 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 alleged against the petitioner. The



petitioner has falsely been implicated in the present case. The petitioner happens to be husband of the deceased. There is no eye witness to the alleged occurrence. The petitioner has been made accused due to mistake of fact.

On behalf of the State, it is submitted that the petitioner is named in the FIR. The petitioner is husband of the deceased. The onus is upon the petitioner to explain the cause of death of his wife.

Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner is rejected.

However, if the petitioner surrenders in 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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