

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63635 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- DURAULI District- Siwan

AAKHILESH KUMAR MISHRA @ AKHILESH KUMAR MISHRA @
PINTU MISHRA Son of Awadh Narayan Mishra @ Avadhnarayan Mishra
Resident of Village - Darauli Mathia, P.S.- Darauli, Distt.- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 13-07-2023

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 304B, 201/
34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and being husband
has been falsely implicated in the present case by the informant.
It is next submitted that the informant alleges that he was
informed by his cousin sister that his own sister was murdered
by the accused persons including the petitioner.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that the marriage of the deceased with the petitioner was performed in the year 2009 and out of the wedlock two children were born, the first child was born in the year 2010 and the second child was born in the year 2014, it is next submitted that the deceased was suffering from Likoria.

It is next submitted that the petitioner was getting her treated by the doctors for the said disease, as the doctors were apprehending that it may turn into cancer, it is next submitted that the FIR does not disclose the year of marriage and the informant being brother of the deceased was well aware that when the marriage was performed but still he tried to conceal the said fact and got the case instituted under Section 304B of the IPC. The learned counsel for the petitioner next submits that the marriage of the year 2009 and in between 2009 till 2020 no complaint ever came to be instituted either by the deceased or the informant with regard to torture for demand of dowry which *prima facie* suggest that the relationship between the deceased and the petitioner was cordial.

The learned counsel for the petitioner next submits that petitioner will not abscond rather will cooperate in the investigation and will present themselves as and when required



by the Investigating Officer for eliciting the truth. It is also submitted that even cremation of the deceased was done in presence of the informant and his family.

It is next submitted that the villagers have also not supported the case of the prosecution during investigation.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Darauli P.S. Case No. 173 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event, if the Investigating Officer of the case filed an application bringing to the notice of the learned trial court that petitioner despite giving assurance to this Court is not cooperating in the investigation



and is not presenting himself as and when called, the learned trial court would be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

Adnan/-

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