

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20490 of 2024

Arising Out of PS. Case No.-95 Year-2023 Thana- ARIYARI District- Sheikhpura

Nishu Pandey @ Sharwan Kumar Pandey (Male), aged about 28 years, S/o Mahendra Pandey R/o vill - Chak Abgil, P.S. - Ariyari, (Kasaro O.P.), Distt. - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Adv.
Mr. Sunny Kumar, Adv.
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 10-05-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Ariyari (Kasar O.P.) P.S. Case No. 95 of 2023 dated 03.04.2023, instituted for the offence punishable under Sections 304 (B), 201/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The informant has alleged killing of his sister at the matrimonial home on account of non-fulfillment of dowry demand. The same is preceded by allegations of torture and assault by all the in-laws. Marriage is said to have taken place five years prior to the alleged occurrence dated 03.04.2023.

4. Learned counsel for the petitioner submits that the



petitioner is the husband of the deceased. It is submitted that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the victim herself went to pond for taking bath and any how she was drowned in the pond and the informant was informed about the incident by his family members. They came and participated in the cremation and thereafter the present case has been lodged. It is submitted that the informant filed a petition before learned A.C.J.M.-Ist, Sheikhpura stating therein that under mis-understanding the present case has been lodged. The matter has been resolved between the parties. The petitioner being husband of the deceased has been made accused in this case. It is submitted that offence under Sections 304 (B), 201/34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act is not attributed against the petitioner. Lastly, it has been submitted that he has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Ariyari (Kasar O.P.) P.S. Case No. 95 of 2023, he shall be



released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Ist, Sheikhpura, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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