

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61586 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- BAKHTIYARPUR District- Patna

Mithun Yadav @ Mithun Kumar (male), aged about 25 years, Son of Naresh Yadav, resident of Village- Teja Bigha, P.S. Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-02-2024 Heard Mr. Manoj Kumar Pandey, learned counsel appearing on behalf of the petitioner and Mr. Arvind Kumar Pandey, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Bakhtiyarpur P.S. Case No. 265 of 2022 registered for the offence punishable under Sections 304(B) and 201/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioner along with all the family member had committed murder of the sister of the informant for non fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the petitioner submitted that before lodging of the present FIR, no case relating to demand of dowry and torture was ever filed by the informant or by the deceased. Learned counsel further



submitted that the deceased had committed suicide and specific statement has been made in this regard in paragraph no. 12 of the bail application. Other co-accused, namely, Tusi Devi, has already been released on bail by a co-ordinate Bench of this Court vide order dated 27.06.2023 passed in Criminal Miscellaneous No. 21214 of 2023. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties and taking into consideration the nature of allegation made in the FIR, the District Court is directed to call for the case diary and postmortem report and if it is found that the allegation levelled against the petitioner is general and omnibus, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Barh, District- Patna, in connection with Bakhtiyarpur P.S. Case No. 265 of 2022, subject to the condition as laid down under Section 438(2) of



the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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