

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62963 of 2023

Arising Out of PS. Case No.-478 Year-2022 Thana- ALOULI District- Khagaria

RAKESH KUMAR S/o- LATE SHIV KUMAR YADAV village- Sanjhauti
Ps- Alauli Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 29-02-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Alauli PS case no. 478 of 2022, disclosing offences punishable under Sections 328, 304(B)/34 of the Indian Penal Code.
3. The prosecution story, as per the First Information report, is that the daughter of the informant was married to co-accused Pulkit Sah. It has been alleged that all the FIR named accused persons tortured informant's daughter due to non-fulfillment of the demand of dowry and on 08.10.2022, the named accused persons administered poison to the informant's daughter, due to which, she died.



4. Learned Counsel for the petitioner submits that petitioner is not named in the FIR and his name has surfaced on the basis of statement of co-accused Pulkit Sah, in which he has stated that some medicine was given by the petitioner to the said Pulkit Sah, which was given to the deceased, due to which, she died. He further submits that co-accused Pulkit Sah has been acquitted by learned trial court in Sessions Trial no. 277 of 2023, in which, the informant, in her cross-examination, has stated that her daughter had died during pregnancy.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the material on record and the fact that petitioner is not named in the First Information Report, the husband of the deceased has been acquitted by the learned Sessions Judge, Khagaria in Sessions Trial no. 277 of 2023, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned C.J.M., Khagaria in connection with Alauli PS case no. 478 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

rinkee/-

U		T	
---	--	---	--

