

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64789 of 2024

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

Nitish Kumar Son of Naresh Yadav @ Bhanta Yadav Resident of Village -Teja
Bigha, PS- Bakhtiyarpur, Distt.- 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. Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-02-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant being the husband
of the deceased. It is further submitted that the informant alleges
that on 20.06.2022, at about 09:00 a.m., he received an
information that his sister was hanged by her in-laws, accordingly,
he reached the place of occurrence and found that the petitioner
along with other co-accused had fled away from the house with the
dead body and on 21.06.2022, at 07:00 a.m., the dead body was
found in the river Ganges.



4. Learned counsel appearing on behalf of the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation with regard to demand of dowry and torture is general and omnibus in nature. It is further submitted that the informant for reasons best known has not disclosed the date of marriage of the petitioner with the deceased. It is next submitted that the deceased and the petitioner were married about seven years back and out of the wedlock, two children were born who presently are aged six years and three years. It is also submitted that Khusrupur P.S. Case No. 113 of 2017 dated 17.06.2017 was instituted under Section 304(B) of the Indian Penal Code read with other sections in which the deceased was also made an accused in connection with dowry death of his own brother's wife in which charge-sheet was submitted. It is submitted that the charges were going to be framed in Khusrupur P.S. Case No. 113 of 2017, as such, the deceased being perturbed by the said fact committed suicide by jumping in the river Ganges and her dead body was subsequently recovered. It is further submitted that no doubt, the wife of the petitioner died but then all deaths are not the dowry death. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below 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 court below where the case is pending/Successor Court in connection with Bakhtiyarpur P.S. Case No. 265 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, if the investigating officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. It is made clear that if the charge-sheet is submitted against the petitioner connecting him with the offence in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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