

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25613 of 2023

Applicant :- Manoj Kumar Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Shri Prakash Dwivedi

Counsel for Opposite Party :- G.A.,Anil Kumar,Lav Kumar Dubey,Saurabh Sachan

Hon'ble Sameer Jain,J.

1. Heard Sri Shri Prakash Dwivedi, learned counsel for the applicant, Sri Anil Kumar, learned counsel for the informant and Sri Pradeep Kumar, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 92 of 2022, under Sections 498-A, 304-B IPC & 3/4 D.P. Act, Police Station- Padari, District-Mirzapur, during pendency of the trial in the court below.
3. FIR of the present case was lodged against applicant and his family members and according to the FIR, marriage of the applicant was performed with the deceased in the month of May, 2021 and after marriage, applicant and his family members tortured the deceased for demand of dowry and due to harassment of the applicant and his family members, deceased committed suicide by throwing herself in front of train.
4. Learned counsel for the applicant submitted that applicant is the husband of the deceased and on the basis of false allegation of demand of dowry and torture, he has been made accused in the present matter and actually deceased was having illicit relationship with some other person and only due to this reason, she committed suicide.
5. He further submitted that in the FIR there was no specific allegation of demand of dowry and only in the statement recorded under Section 161 Cr.P.C., informant disclosed the demand of dowry and this fact clearly suggests that FIR is based on vague allegation of demand of dowry.
6. He further submitted that applicant is not having any criminal

history and he is in jail since 30.07.2022.

7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that applicant is the husband of the deceased and his wife died within two years of her marriage under abnormal circumstances and there is also allegation of demand of dowry and, therefore, considering the provisions of 304-B IPC and 113-B Indian Evidence Act, applicant should not be released on bail.

8. I have heard learned counsel for the parties and perused the record of the case.

9. Considering the fact that applicant is the husband of the deceased and deceased died under abnormal circumstances within two years of her marriage and after the death of the deceased, applicant i.e. her husband, tried to assassinate her character, in my view, applicant is not entitled to be released on bail.

10. Accordingly, the instant bail application is **rejected**.

11. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 3.11.2023

KK Patel