

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34835 of 2015

Arising Out of PS.Case No. -44 Year- 2015 Thana -KHIJARSARAI District- GAYA

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1. Birendra Yadav Son of Bhuneshwar Yadav, Resident of Murarchak, P.S.-
Khizersarai, District- Gaya, Bihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudha Chandra

For the Opposite Party/s : Mr. Anil Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 23-11-2015 Heard learned counsel for the petitioner, learned

counsel representing the State and learned counsel for the

informant.

The petitioner seeks bail in connection with

Khijzersarai P.S. Case No. 44 of 2015 registered for the offence

punishable under Sections 302/34 of the Indian Penal Code.

Rinku Devi the sister of the informant was married

with the petitioner and she saw the petitioner in objectionable

condition with the wife of his cousin and for that the sister of the

informant was assaulted by the petitioner and ultimately she was

killed by strangulation.

Submission is of false implication and that there is

no legal and cogent evidence against the petitioner, no one has

seen the petitioner committing the crime and only on suspicion the petitioner and other family members have been implicated. The wife of the petitioner committed suicide and information was given to the informant and his other family members, it may be a case under Section 306 IPC and not under Section 302 IPC and petitioner who is suffering in custody since 17.04.2015 deserves sympathetic consideration to which the learned APP duly assisted by learned counsel for the informant opposes by submitting that the petitioner is the husband and the witnesses have stated that the petitioner and others killed the deceased by strangulating her and the doctor has also found cause of death as shock and asphyxia as a result of strangulation.

In the facts and circumstances stated above, considering that the petitioner is the husband of the deceased and there is serious allegation against him which finds support from the statement of the witnesses and also from the medical evidence, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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