

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51262 of 2014

Arising Out of PS.Case No. -58 Year- 2014 Thana -KHAJALI District- MADHUBANI

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Shiv Kumar Yadav Son of Upendra Yadav R/o Ghuskipatti, P.S. Khajouli,
District Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 06-07-2015 Heard learned counsel for the petitioner as well as
learned counsel for the State.

The deceased who was married with the petitioner about six years ago, had availed congenial harmonious atmosphere at earlier part of her conjugal life but began to be subjected to torture in the background of having facility provided by the prosecution party to her younger sister during course of study. Furthermore, they had advanced demand of two Bhar gold which, informant could not be able to give and on account thereof none of the family members participated during course of marriage of second daughter of the informant. It has also been disclosed that subsequently thereof, deceased was brutally assaulted on account of which she sustained fracture of her leg. On 13.6.2014 he received message regarding murder of deceased on account of which he rushed and found the dead body. None of the family members was present there.

It has been submitted on behalf of the petitioner that the petitioner himself had informed the prosecution party regarding misfortune. Furthermore, regard being involvement of petitioner

during commission of crime then certainly, the dead body would not have left. Also submitted that the story of demand and torture has subsequently been developed.

At the other hand, the learned Additional Public Prosecutor opposed the prayer.

Perused the case diary. Apart from having consistent version of prosecution, from para 36 of the case diary the cause of death appears to be asphyxia caused by throttling. Throttling cannot be a suicidal event rather it happens on account of external assault over neck and that being so, it happens to be a case of murder. Petitioner failed to explain the aforesaid event.

Accordingly, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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