

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26672 of 2015

Arising Out of PS.Case No. -385 Year- 2014 Thana -ARA NAWADA District- BHOJPUR

1. Bablu Yadav son of Sri Shivji Yadav, resident of village- Bahiro, Police Station- Ara Nawada in the district of Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-10-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Ara Nawada P.S. Case No. 385 of 2014 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and Sections 3 / 4 of Dowry Prohibition Act in which Sections 498A and 304B IPC was added later on.

Rita Devi the daughter of the informant was married with the petitioner in the year 2011 and out of wedlock there are two children. Due to non-fulfillment of demand of dowry by way of rupees one lac she was being tortured and ultimately she was burnt to death on 31.07.2014.

Submission is of false implication and that no such



occurrence as alleged has taken place, marriage of the petitioner was actually solemnized on 07.05.2009 and not in the year 2011. The eldest son was aged about 3 years and youngest was aged about 9 months and no demand was ever made, the wife of the petitioner was very short temper lady and she committed suicide and for that information was given to the informant and in his presence the dead body was cremated. The petitioner has brought his wife at Brahmpur Temple which has come during investigation and thereafter, she was brought to her parental house and then she was brought to her in-laws house and, as such the petitioner deserves sympathetic consideration as others have been allowed bail.

Learned APP duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner is the husband and without informing the Police and informant the dead body has been cremated and the I. O. at the time of inspection of place of occurrence found the sign of smoke on the roof and wall of the room and further floor was found washed. The informant and other family members have supported the allegation of demand of dowry.

In the facts and circumstances stated above, considering the position of the petitioner that he is the husband of the deceased

and there is allegation of demand of dowry, 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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