

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40619 of 2015

Arising Out of PS.Case No. -51 Year- 2014 Thana -HUSAINGANJ District- SIWAN

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Shubash Yadav @ Subhash Yadav son of Bharat Yadav Resident of village
- Habib Nagar, P.S. - Hussainganj, District - Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-12-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under
Sections 304B/34 of the Indian Penal Code.

Allegation against the petitioner is to have tortured and
killed daughter of the informant due to non-fulfilment of demand
of dowry.

It has been submitted on behalf of the petitioner that he
has got no criminal antecedent. He is in custody since 23.3.2015.
Chargesheet has been submitted in the present case. There is no
allegation of tampering of evidence against the petitioner. There
is no eye witness to the alleged occurrence. Petitioner has falsely
been implicated in the present case. Forensic Science Laboratory
report is said to have been received in a sealed cover, same is
opened.

On behalf of the State and informant, it is submitted that
petitioner is not named in the F.I.R. and is husband of the
deceased. From perusal of para-7 of the case diary it would

appear that the dead body was said to have been recovered from the field of mustard crops and it was at a distance of 300 metres from the house of the petitioner. From perusal of the post mortem report it would appear that there was a strangulation mark on the neck of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner, same is rejected.

Any how, the court below is directed to take all necessary steps to expedite the trial in connection with Hussainganj P. S. Case no. 51 of 2014 and conclude the same preferably within a period of one year from the date of receipt/production of a copy of this order.

Let the Forensic Science Laboratory report be returned to the office of the Director, Forensic Science Laboratory, Patna.

(Sudhir Singh, J)

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