

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22839 of 2015

Arising Out of PS.Case No. -113 Year- 2013 Thana -KATORIA District- BANKA

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1. Madho Yadav Son of Srinath Yadav resident of Village- Fulbaria, P.S.- Katoria, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. Ram Chandra Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 17-09-2015 Heard both sides.

The petitioner seeks bail in a case under Section 328, 304B, 34 of the Indian Penal Code.

The informant, brother of the deceased, alleged that his sister telephoned her mother that the petitioner and others forced her to take poison and when the informant went to her house he found her dead.

Learned counsel for the petitioner submits that during the course of investigation the witnesses from paragraph 20 to 29 of the case diary have stated that the deceased had quarreled with her husband for making ornaments and she herself consumed poison but it appears from the perusal of the case diary that the informant, who is the brother of the deceased, and other family

members have very categorically stated that the deceased herself called her mother and informed this fact that her husband and others poisoned her. In the post mortem report cause of death could not be ascertained as the report from Forensic Science Laboratory is yet to be received. Of course, other accused persons have already been enlarged on bail but the petitioner is the husband.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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