

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22816 of 2015

Arising Out of PS.Case No. -49 Year- 2014 Thana -FESAR District- AURANGABAD

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1. Awadhesh Yadav son of Naresh Yadav, resident of village- Bariman,
P.S.- Fesar, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar

For the Opposite Party/s : Mr. R.N. Jha (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 17-09-2015 Heard the learned counsel for the petitioner, the

learned counsel for the informant and the learned Additional

Public Prosecutor.

The petitioner seeks bail in a case under Section

304B and other sections of the Indian Penal Code.

The brother of the deceased stated that his sister was

married to the petitioner about seven years ago. On 30.09.2014 the

informant came to know that his sister died. The informant went

there and saw injury on the head of his sister but the accused

persons hurriedly cremated her dead body after forcing the

informant to flee away from the place of occurrence.

It is submitted that the entire allegation is false and

concocted. Except the informant none of the eye witnesses has

supported the version of the informant. The witnesses have stated that while the petitioner along with his wife was coming through railway track wife of the petitioner got injuries from a running train and died. Even the Investigating Officer found broken bangles on the railway track but without any evidence he submitted charge sheet under section 304B of the IPC.

On the other hand, the learned counsel for the informant as well as the learned APP opposed the prayer for bail. The learned counsel for the informant submits that the petitioner assaulted his wife two years ago and the wife of the petitioner went to Fesar police station where both husband and wife compromised the case. It is submitted that if the wife of the petitioner got injuries by a running train the petitioner should have informed this to the police. The Station Master in paragraph 16 of the case diary stated that he did not get any information about any railway accident.

It appears that, of course, the informant made allegation of assault against the petitioner and other family members but from perusal of the case diary it appears that not a single witness has stated that the deceased got injuries while she was coming along with her husband on railway track. Except one of the witnesses, Laxminiya Devi, in paragraph 81 of the case diary,

who disclosed that there was quarrel between the husband and wife, none of the witness has supported the informant's version. The petitioner is in jail for about seven months.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in Fesar P.S. Case No. 49 of 2014.

(Prabhat Kumar Jha, J)

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