

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1677 of 2015

Arising out of PS.Case No. -434 Year- 2013 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

Shivi Yadav @ Sibi Yadav, Son of Late Gigal Prasad, resident of village-
Dhibrapar, Police Station- Hilsa, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Raj Kishor Prasad, Advocate.

For the Opposite Party : Mr. T.N. Thakur (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 04-09-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Hilss P.S. Case No.434 of 2013 for the offences instituted
under Sections 498A and 304(B)/34 of the I.P.C.

The prosecution story, in brief, is that subsequently after
marriage of the petitioner with the daughter of the informant the
petitioner including other co-accused persons being dissatisfied
with the dowry given at the time of marriage started demanding
Colour T.V. and Motor Cycle and on account of its non-
fulfillment they used to torture and assault the victim and
ultimately they killed the daughter of the informant.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that from perusal of the case diary it would appear that number of independent witnesses who have been examined in course of investigation have stated that as there was stomach pain of the deceased and when she was being taken to the hospital she died on the way to the hospital. It is further submitted that the case has not been found to be true under Section 304 (B) of the I.P.C. rather the Supervising Authority has found the case true under Section 306 of the I.P.C. It is further submitted that after a lapse of 2 ½ months the present case was instituted by way of filing a complaint case for which no explanation has been given by the prosecution.

On behalf of the State it has been admitted that number of witnesses have not supported the prosecution case, as alleged in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Hilsa P.S. Case No.434 of 2013 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the

satisfaction of the learned A.C.J.M., Hilsa (Nalanda), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

AnilKrSinha/-

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(Sudhir Singh, J)