

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17559 of 2015

Arising Out of PS.Case No. -67 Year- 2014 Thana -LAUKARIA District-
WESTCHAMPARAN(BETTIAH)

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MANOJ YADAV SON OF BHARAT YADAV RESIDENT OF VILLAGE
SIDHAW, POLICE STATION - LAUKARIYA, DISTRICT - WEST
CHAMPARAN.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Milind Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Sangita Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 24-06-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Deceased was done to death at her Sasural and in the
aforesaid background it has been disclosed she was married with
petitioner about five years ago and had begotten two children. It
has also been disclosed that since after marriage there was
insistence over dowry inform of Hero Hondo motorcycle as well
as cash appertaining to Rs.15,000/-.

The learned counsel for the petitioner relied upon
para-13 of the case diary which contains statement of brother of
deceased and submitted that from perusal of the same it is
apparent that on 19.07.2014 petitioner had gone to his place and
fairly disclosed that he had assaulted his wife as she failed to cook
food. Furthermore, while Bansi along with the petitioner was in a

way, received call disclosing death of deceased by means of burning and on account thereof, it has been submitted that even in worst case it happens to be a case of suicide and for that petitioner has sufficiently been punished so, prayed for bail.

The learned Additional Public Prosecutor opposed the prayer.

Gone through the case diary more particularly para-13 whereupon reliance has been placed. After going through the whole narration, the statement of the brother of victim did not justify the submission made on behalf of petitioner because of the fact that they have proceeded to the place of occurrence where dead body was not at all found. Furthermore, para-12 is the place of occurrence. The Investigating Officer had gone inside the house and had not found any sign of burning. Therefore, death by means of burn is not at all found properly surfaced. Furthermore, the improbability of the case is also apparent from the conduct that at an earlier occasion the call was received by the petitioner who had said that some body is coming from his village and subsequently thereof, call was made over mobile phone of brother of deceased and then the aforesaid event was disclosed along with the direction that he should not disclose the fact to his Sala. How the caller was knowing that Sala is along with the petitioner and that indicates that the call was in preplanned manner.

As the petitioner, being husband failed to explain death of deceased. Hence, prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

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