

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40046 of 2015

Arising Out of PS.Case No. -112 Year- 2015 Thana -TRIVENIGANJ District- SUPAUL

Diwakar Yadav S/o Jagdish Yadav Resident of village - Machhaha, P.S.
Tribeniganj, District - Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta

For the Opposite Party/s : Mr. H.A.Khan(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 17-12-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under
Sections 304B, 498A and 328/34 of the Indian Penal Code.

Allegation against the petitioner is to have tortured and
murdered niece 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 2.6.2015.
Chargesheet has been submitted in the present case. There is no
allegation of tampering of evidence against the petitioner. From
perusal of para-8 of the case diary it would appear that some hot
exchange of words had taken place between the petitioner and the
deceased and later on, the deceased had committed suicide. From
perusal of the post mortem examination report it would appear that
there is no external injury on the body of the deceased. A viscera
sample was collected by the doctor, who conducted the post
mortem examination report, and was handed over to the

investigating officer, but the same had not been sent for Forensic Science Laboratory examination, which is evident from the report placed at flag 'A' submitted by the Director, Forensic Science Laboratory, Patna.

On behalf of the State, it is submitted that petitioner is named in the F.I.R. and husband of the deceased. There is specific allegation against the petitioner for committing the alleged occurrence.

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 Tribeniganj P.S. Case no. 112 of 2015 and conclude the same preferably within a period of one year from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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