

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6971 of 2016

Arising Out of PS.Case No. -157 Year- 2014 Thana -MAHARAJGANJ District- SIWAN

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1. Shailendra Yadav Son of of Ram Janam Yadav Resident of village-
Jigrawan, P.s Maharajganj, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Anil Kr.Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 22-04-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under section 304 (B)/34 of the I.P.C

Allegedly, Rubi Kumari was married to the petitioner
in the year 2009 and thereafter she was being tortured in various
ways. She gave birth to a female child and then the petitioner and
other in-laws started demanding dowry and when again she gave
birth to a female child then she was being tortured and assaulted
by the petitioner and other in-laws and ultimately she was killed
by assaulting and strangulating her.

Submission is of false implication and that no offence
under section 304 (B) I.P.C. is made out as the marriage has taken
place in the year 2005 itself, the witnesses during investigation
vide paragraphs- 18, 19 and 20 of the case diary have stated that

the marriage has taken place in the year 2005, due to trivial dispute the wife of the petitioner committed suicide and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 08.07.2014.

The learned A.P.P. opposes prayer for bail by submitting that all the witnesses have supported that the petitioner has assaulted his wife and further the doctor who has conducted the postmortem examination has found the cause of death asphyxia due to strangulation.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Sessions Trial No. 09 of 2015 arising out of Maharajganj P.S. Case no. 157 of 2014 pending in the court of 3rd Additional Sessions Judge, Siwan.

However, considering detention of the petitioner, let the trial be expedited and concluded preferably within a period of nine months from the date of receipt/ production of a copy of this order.

(Jitendra Mohan Sharma, J)

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