

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26671 of 2016

Arising Out of PS.Case No. -6 Year- 2015 Thana -ANDER District- SIWAN

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Upendra Yadav S/o Sri Umashankar Yadav, R/o- Vill.-Sultanpur Dahabari,
P.S.-Andar, Dist.-Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Asharaf Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 29-08-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in Sessions Trial No.446 of 2015 arising out of Andar P.S. case No.06 of 2015 instituted for the offence under Sections 304(B)/34 of the Indian Penal Code, pending in the court of learned 2nd Additional Sessions Judge, Siwan.

The prosecution case, in brief, is that the informant's sister was married to the petitioner in the year 2012 and thereafter the accused persons including the petitioner started demanding a motorcycle, gold chain and one lac rupees and tortured her. Then due to non-fulfilment of dowry her sister was done to death by the accused persons.

It has been submitted on behalf of the petitioner that the

petitioner is in custody since 22.5.2015 and the charge sheet has already been submitted in the present case. The petitioner has got no criminal antecedent. The petitioner has been made accused due to mistake of fact. There is no eye witness to the alleged occurrence. From perusal of the case diary, it is evident that the deceased had committed suicide.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. He is the husband of the deceased. Due to torture of the petitioner the deceased had committed suicide by burning herself.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage. The same is rejected. The Court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

Narendra/-

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