

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30867 of 2016

Arising Out of PS.Case No. -161 Year- 2015 Thana -PARWALPUR District- NALANDA
(BIHARSHARIFF)

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Rukesh Yadav son of Krishna Yadav, resident of Village- Parwalpur Gohar,
Toli, P.S. Parwalpur District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar
For the Opposite Party/s : Mr. Satyendra Narayan Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 18-10-2016 Heard learned counsel for the petitioner as well
as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304(B)/34 of the Indian
Penal Code.

Petitioner happens to be husband of the
deceased and is languishing in jail custody since 28.03.2016.
The informant claims that marriage of deceased had taken
place with petitioner prior to seven years of institution of the
present case and the informant admits in her statement that

after marriage deceased gave birth to two children aged about six years and four years.

Submission on behalf of the petitioner is that the marriage of petitioner had taken place more than eight years ago but with an intent to drag the present case under the mischief of Section 304(B) of the Indian Penal Code, the informant disclosed that marriage of deceased had taken place seven years ago. It is further submitted that as a matter of fact, deceased was a lady of short temper and she committed suicide on account of petty family feud.

The post mortem report goes to show that cause of death of the deceased was asphyxia due to strangulation.

Regard being had to the above stated submissions as well as facts and circumstances of the case, I do not think it proper to release the petitioner on bail, at least, at this stage and hence, his prayer for bail in connection with Sessions Trial No. 439 of 2016 arising out of Parwalpur P.S. Case No. 161 of 2015 pending in the court of Additional Sessions Judge-II, Hilsa, Nalanda stands rejected.

However, if the trial of the petitioner is not

concluded within six months from the date of receipt/production of copy of this order, the petitioner may renew his prayer for bail before the learned trial court itself.

(Hemant Kumar Srivastava, J)

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