

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5230 of 2016

Arising Out of PS.Case No. -438 Year- 2014 Thana -BANKA District- BANKA

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1. Vikash Kumar Yadav @ Bikash Kumar Yadav son of Parma Nand Yadav
resident of Village : - Deshara, P.S. : - Banka, District : - Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Binod Kumar 2 (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

5 17-05-2016 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 offence
punishable under section 304 B/34 of the I.P.C

Priyanka Kumari, the sister of the informant, was
married to the petitioner on 01.05.2014 and due to non fulfillment
of demand of motorcycle and other articles she was being tortured
by the in-laws. On 06.10.2014 in presence of the informant
Priyanka Kumari was abused by the petitioner and other co-
accused and threats were caused to kill her and ultimately an
information was received that she was burnt and in the Sadar
Hospital, Banka she was lying dead.

Submission is of false implication and that there was



cordial relation between the petitioner and his wife, nothing was ever demanded, as a matter of fact the wife of the petitioner received burn injury at the time of cooking and the petitioner tried to save her and he also sustained severe burn injury for which he was treated, vide Annexure-2, the petitioner has received almost 50% burn injuries, but the informant implicated the petitioner and others by lodging this false case, other co-accused, namely, Prafulla Yadav, Prabhat Yadav and others have been allowed bail.

The learned A.P.P. opposes prayer for bail by submitting that during investigation the witness Jitan Yadav, vide paragraph-15 of the case diary, has stated that the petitioner and his wife were in a room which was closed from the inside and there they received burn injuries and further in the postmortem report fracture of fourth and fifth ribs of left side and also the closed fracture on the left middle phalanx of middle finger were found.

In the facts and circumstances as stated above, considering that the petitioner is the husband and there is serious allegation against him and as such at present I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with S.T. No. 171 of 2015 arising out of Banka P.S. Case No. 438 of 2014/ G.R. No. 1981 of 2014

pending in the court of 3rd Additional Sessions Judge, Banka.

However, 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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