

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13058 of 2016

Arising Out of PS.Case No. -190 Year- 2014 Thana -MAHARAJGANJ District- SIWAN

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1. Shyam Babu Yadav Son of Dharamnath Yadav Resident of Village-
Ramapali, P.S.-Maharajganj, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. B.M.P.Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 10-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Maharajganj P.S. Case No. 190 of 2014 registered for the offence
punishable under Section 304(B)/34 of the Indian Penal Code.

The daughter of the informant was married to the
petitioner and allegedly, due to non-fulfillment of demand of
dowry by way of motorcycle and gold chain of one *bhar* she was
being tortured and assaulted by the petitioner and other in-laws
resulting she came to the house of informant but under conspiracy
Shambhu Yadav took away her and thereafter, the daughter of the
informant was killed and her dead body was also made traceless.

Submission is of false implication and that as a matter

of fact, marriage was performed in the year 2006, out of the wedlock there is a daughter aged 9 years and a son aged 6 years, no dowry was ever demanded and the wife of the petitioner died due to snake bite and this fact has been admitted by the informant by filing a petition in the learned Court below.

The learned A.P.P. opposes the prayer of bail by submitting that the Skelton, bunch of hair, saree and silver *payal* and other articles were recovered on 10.07.2014 from a lonely place which was identified as of the daughter of the informant and the informant in his further statement has stated that the marriage was performed 4 years ago and other witnesses have also supported the prosecution version regarding the involvement of the petitioner in the crime.

In the facts and circumstances stated above, at present I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Maharajganj P.S. Case No. 190 of 2014 pending in the Court of learned CJM, Siwan.

However, the petitioner may renew his prayer of bail after examination of the informant during trial.

(Jitendra Mohan Sharma, J)

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