

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45841 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -JHANJHARPUR District- MADHUBANI

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1. Jairam Yadav Son of Sri Sadhu Yadav Resident of village - Sukhet,
Police Station Jhanjharpur, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Surendra Prasad Yadav Son of Late Mushan Yadav Resident of village -
Balua Navtoli, P.S. Kewati (Darbhanga) Presently residing at village -
Chhatban, P.S. Kewati, District - Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate
Mr. Yogendra Kumar

For the Opposite Party/s : Mr. Mukesh Kumar Singh(App)

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

ORAL ORDER

3 08-01-2016 Heard learned Sr. Counsel for the petitioner and
learned counsel representing the State.

The petitioner seeks bail in connection with
Jhanjharpur P.S. Case No. 04 of 2015 registered for the offences
punishable under Sections 498A, 304B of the Indian Penal Code
and Sections 3 and 4 of Dowry Prohibition Act.

Meena Kumari the daughter of the informant was
married to the petitioner on 25.04.2012 and thereafter, the
petitioner and other in-laws started demanding cash of Rs.
5,00,000/- by way of dowry and due to non-fulfillment started
torturing her, in presence of the informant also the demand was

made and thereafter, the daughter of the informant was made traceless and the villagers told that she has been murdered and dead body has already been cremated.

Submission is of false implication and that the petitioner never demanded anything, the case has been lodged with wrong allegation, the petitioner has filed Jhanjharpur P.S. Case No. 65 of 2015 dated 12.01.2015 against the informant and others, there is C.D. containing telephonic calls with the informant on 31.12.2014 which goes to reveal that the informant has concealed the wife of the petitioner, the petitioner is suffering in custody since 31.07.2015, chargesheet has already been submitted under Sections 364, 498A, 120B of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act and there is no chance of tampering with prosecution evidence and as such the petitioner deserves sympathetic consideration to which the learned APP duly assisted by learned counsel for the informant opposes by submitting that the petitioner being the husband is solely responsible and he has demanded dowry in presence of the informant also after causing threats.

In the facts and circumstances stated above, considering that there is case and counter case, chargesheet has already been submitted and there is no chance of tampering with

prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Jhanjharpur P.S. Case No. 04 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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