

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47846 of 2016

Arising Out of PS.Case No. -262 Year- 2015 Thana -KATORIA District- BANKA

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BRAHMDEO YADAV @ BRAHMADEO YADAV, Son of Late Jittu
Yadav, Resident of Village- Sathiari, P.S. Katoria, District-Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Dronacharya

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 10-11-2016 Heard learned counsel for the petitioner as well as learned
A.P.P.

The petitioner is facing prosecution in connection with
Katoria P.S. Case 262 of 2015 registered for offence under Section
304(B) of the Indian Penal Code.

The younger brother of the deceased has lodged the
present case and it is alleged that on the date of occurrence the
petitioner had come to his Sasural to complain that his wife is
missing. Thereafter, the informant along with his younger brother
went to sasural to search his sister, but the house was locked.
Thereafter, the petitioner took the informant and his younger
brother towards the forest where the dead body of his sister was
lying. It is alleged that soon after the marriage, the petitioner used
to torture his sister for non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that in the First Information Report, it has not been alleged that death has occurred within seven years of marriage. It is further submitted that father and mother of the deceased has not come forward to support the prosecution case. The petitioner is in jail custody since 12.07.2016.

Learned A.P.P. opposed the prayer for bail of the petitioner and contends that the petitioner himself took the informant and his younger brother to the place where the dead body was lying. It is further contends that in the First Information Report, it has been asserted that petitioner used to torture the deceased for non-fulfillment of demand of dowry.

Considering the nature of allegation and other materials reflected from the case records, I am not inclined to grant the privilege of bail of the petitioner. Accordingly, his prayer for bail is rejected.

(Kishore Kumar Mandal, J)

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