

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25555 of 2017

Arising Out of PS.Case No. -89 Year- 2013 Thana -KHAIRA District- JAMUI

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Guddu Yadav, Son of Krishnadeo Yadav, Resident of Village – Bhojpur,
P.S. – Khaira, District – Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sourendra Pandey

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 13-09-2017

Heard Mr. Sourendra Pandey, learned

counsel for the petitioner and Mr. J.N. Thakur, learned counsel for
the State.

The petitioner, being the husband of the
daughter of the informant, has renewed the prayer for bail in a
case registered for the offences punishable under Sections 498A,
304B/34, 201 of the Indian Penal Code and Sections 3/4 of Dowry
Prohibition Act.

The basic accusation is of killing the
daughter of the informant after five years of marriage for non-
fulfillment of dowry demands.

It is submitted by learned counsel for the
petitioner that the petitioner was not present in the village when
the victim died. The victim died due to accidental burn injury.



Moreover, the informant, after coming to know that his daughter died a natural death, filed a petition before the learned Court below retracting from earlier version.

Learned counsel for the State submits that earlier prayer for bail of the petitioner was rejected vide order dated 05.08.2016 passed in Cr. Misc. No. 25321 of 2016, as contained in Annexure-1, which reflects that after going through the case diary, it was submitted by learned APP that the petitioner was not present in the village on the date of occurrence and the victim died due to burn injury after five years of her marriage and her dead body was disposed of without post-mortem.

Earlier prayer for bail of the petitioner was rejected since the case was registered in 2013 and the petitioner was arrested in 2016.

It is further submitted by learned counsel for the petitioner that five witnesses have already been examined, but none have supported the prosecution case and after December, 2016, no witness has been examined, hence, there is no likelihood of trial being concluded in near future.

Considering the fact that this fact is not in dispute that petitioner was not present at the place of occurrence as this fact also transpired during investigation, informant retracted



from the earlier version, the victim died after five years of marriage and the petitioner is languishing in custody since 30.04.2016 but till date the trial has not concluded, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Jamui in connection with Sessions Trial No. 241 of 2016, arising out of Khaira P.S. Case No. 89 of 2013.

The learned trial Court will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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