

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29884 of 2017

Arising Out of PS.Case No. -91 Year- 2016 Thana -KAMTAUL District- DARBHANGA

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1. Satish Yadav son of Ram Bilakshan Yadav Resident of Village - Sirhulli,
P.S. Kamtaul, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
26.01.2017 in connection with Kamtaul P.S. Case No. 91 of 2016
for offences punishable under Sections 302, 304-B and 201/34 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter Vibha Devi was married to the petitioner one
year back and due to non-fulfillment of demand of dowry, the
petitioner along with other family members poured kerosene oil
and burnt her and thereafter, she was taken to the hospital. She
regained consciousness after five days and gave the statement to



the informant that all the accused persons including the petitioner had burnt her and after twenty days of the occurrence, she succumbed to the injuries and her body was cremated without giving information to the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent and it is a case of homicide. The deceased burnt herself and deceased was taken to the hospital where she succumbed to the injuries. He submits that the incident is alleged to have taken place on 16.05.2016 and the death occurred on 08.06.2016 during the course of treatment.

However, learned counsel for the informant submits that the daughter of the informant died within one year of the marriage. She was taken to hospital and thereafter, she was taken back home. There is no post-mortem report and she was cremated without the knowledge of the informant, hence opposes the prayer of bail.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail **after completion of six months custody from today** on furnishing bail



bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga, in connection with Kamtaul P.S. Case No. 91 of 2016 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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