

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32473 of 2017

Arising Out of PS.Case No. -47 Year- 2016 Thana -BHAGWANGANJ District- PATNA

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Shailesh Yadav Son of Sudeshwar Yadav @ Mahajan, resident of Village-Khainiya, P.S.- Bhagwanganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Murlidhar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 08-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 26.09.2016 in connection with Bhagwanganj P.S. Case No. 47 of 2016 for offences punishable under Sections 304(B), 201/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The prosecution case, as lodged by the informant, is that his daughter Minta Devi was married to the petitioner five years back and was blessed with one son and a daughter. After two years of her marriage, the petitioner along with his family members started to torture her and ultimately killed her and cremated her dead body due to non-fulfillment of demand of dowry.



It has been submitted by the learned counsel for the petitioner that he is innocent being the husband he has been falsely implicated in the aforesaid case. He submits that the independent witnesses have not supported the prosecution case rather have said that the deceased suffered from dysentery and was taken to the hospital where she succumbed and the informant participated in the cremation ceremony and a panchayti was also held for transfer of two Bighas land in favour of the informant but it did not materialize, hence the F.I.R. has been lodged after six days and no plausible explanation has been given for such delay. He submits that the petitioner is not involved in the aforesaid offence and charge-sheet has already been submitted and that there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Masaurhi in connection with



Bhagwanganj P.S. Case No. 47 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/ court, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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