

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52300 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -KAKO District- JEHANABAD

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1. Sunil Yadav, Son of Bideshi Yadav, Resident of Village- Kothia, P.S.-
Kako, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 29-11-2017 Heard the counsels for the parties.

The petitioner seeks bail in connection with Kako P.S.
Case No. 02/2017 dated 01.01.2017 instituted for the offences
under Sections 302, 201 and 34 of the Indian Penal.

The father of the deceased lodged a case that his
daughter (deceased) was married to the petitioner in the year 2002.
On 30.12.2016, he was informed by his grandson, i.e. the son of
the deceased, that the deceased has been killed by poisoning. On
such information, the informant rushed to the matrimonial home
of the deceased, but found that the doors of the house were locked.
It was learnt by the informant that the deceased was poisoned to
death and the dead body was attempted to be disposed of. When
the same was protested by the villagers, for the fear of being



exposed, the accused persons brought the half burnt dead body of the deceased near the railway tracks and left it unattended. The informant saw the half burnt dead body of his daughter on the railway tracks.

Learned counsel for the petitioner has submitted that the allegation of poisoning the deceased to death is not borne out by the records of the case. The post-mortem report does not indicate that the dead body was brought from the railway tracks to the mortuary. The inquest report merely discloses that the dead body was examined at the mortuary only and after the post-mortem. Learned counsel for the petitioner, therefore, submits that there is absolutely no clue as to from where the dead body was brought. The police has only taken the statement of three witnesses and has submitted charge-sheet against the petitioner. The investigation of this case is absolutely lopsided and no attempt has been made to enquire into the cause of death or the veracity of the defence taken by the petitioner and other accused persons.

The petitioner has sought to explain that while the deceased was coming from Masaurhi, she fell down from the train and met her death. It has further been submitted by the learned counsel for the petitioner that there is no substance in the allegation in the F.I.R. that for the purchase of land, the deceased



was being subjected to torture. After 18 years of marriage and that also after giving birth to two children, deceased would not be asked to bring money from her parents. That apart, except for the statement of the relatives of the deceased, no other person has been examined by the police.

The informant, after some time of the investigation, came to learn that the petitioner and other accused persons are not to be blamed and that the death of the deceased was because of falling from the running train. An attempt, therefore, was made on behalf of the learned counsel for the informant to take permission for compounding the matter as the case was lodged in hot haste and under disturbed mental condition after hearing the news of the death of his daughter.

Other accused persons of this case have been granted bail by different Benches of this Court.

The petitioner is in custody since 25.04.2017.

Taking into account the aforesaid facts, and especially that no investigation with respect to the major part of the allegation has been made, this Court has but no option to release the petitioner on bail.

The petitioner above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge, Jehanabad in connection with Kako P.S. Case No. 02/2017.

The petitioner shall participate in the trial and any effort of the petitioner to impede the process of trial would entitle the State to proceed for cancellation of bail granted to the petitioner.

(Ashutosh Kumar, J.)

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