

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49564 of 2017

Arising Out of PS.Case No. -81 Year- 2017 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Deepak Kumar Yadav son of Grees Narayan Yadav, Resident of Village-Sareya, P.S. Kudra, District- Kaimur at Bhabua.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 19-12-2017 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing on behalf of the informant.

The petitioner seeks bail in a case instituted under Section 498(A), 306/34 of the Indian Penal Code and ¾ of the D.P. Act.

The allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of the demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.07.2017. The charge sheet has been submitted in the present case under Section 304B of the Indian Penal Code. The petitioner has got no criminal antecedent.



There is no allegation of tampering of witnesses alleged against the petitioner. There is no eyewitness to the alleged occurrence. The deceased is alleged to have committed suicide.

On behalf of the State and counsel for the informant, it has been submitted that the F.I.R. is the dying declaration of the deceased, where the allegation of demand of dowry has been made. The petitioner is husband of the deceased. The onus is on him to explain the cause of death of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Kudra P.S. Case No. 81 of 2017, pending in the court of learned J.M.1st Class, Bhabua, Kaimur.

The court below is directed to expedite the trial of the case.

(Sudhir Singh, J)

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