

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52737 of 2017

Arising Out of PS. Case No. -125 Year- 2016 Thana -EKANGARSARAI District- NALANDA
(BIHARSHARIFF)

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Kumar Gaurabh @ Chhote Yadav @ Chhoti Yadav Son of Mahendra
Yadav, R/o Ekanagardih, P.S.- Ekangarsarai, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-11-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with
Sessions Trial No. 392 of 2017, arising out of Ekangarsarai P.S.
Case No. 125 of 2016 dated 23.09.2016 instituted for the offences
under Sections 304 (B)/34 of the Indian Penal Code.

The petitioner is husband of the deceased.

From the averments made in the FIR, it would
appear that the deceased was married to the petitioner about seven
years back. Though the exact date of marriage has not been
provided in the FIR and only the year of marriage has been stated,
but the learned counsel for the petitioner submits that the date of
marriage goes beyond seven years. It has further been submitted
that the petitioner was not present at his house when the deceased



committed suicide.

Investigation papers reveal that no child was born out of the wedlock of the petitioner and the deceased and therefore she remained under stressful mental state. Though the FIR refers to torture by the family members for bringing additional dowry for the purposes of purchase of Alto car, but it does not appear to be plausible for the reason that this could not have continued for more than seven years, without the matter being reported to the parents of the deceased.

The petitioner is gainfully employed in the Post Office and as per the certificate issued by the Post Master, he was present at Ramgarh Cant Post Office on the date when the deceased is said to have died. The Postmortem report reveals that the ligature mark was about on inch below the chin. The positioning of the ligature mark, it has been argued, gives an impression that an attempt was made to commit suicide.

The petitioner is in custody since 29.01.2017.

For the aforesaid reasons, the parents of the petitioner were granted anticipatory bail by a coordinate Bench of this Court in Cr. Misc. No. 27345 of 2017 on 9/11/2017.

Regard being had to the aforesaid facts, mainly the period of custody of the petitioner and that the investigation in



this case has already been completed, this Court is inclined to grant bail to the petitioner.

The petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Hilsa at Nalanda in connection with Sessions Trial No. 392 of 2017, arising out of Ekangarsarai P.S. Case No. 125 of 2016.

(Ashutosh Kumar, J)

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