

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43111 of 2017

Arising Out of PS.Case No. -137 Year- 2016 Thana -KAUAKOL District- NAWADA

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BIPIN YADAV @ BINPIN YADAV Son of Sri Surendra Yadav, R/o
Village- Bardraji, P.S.- Kawa Kole, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
19.06.2017 in connection with Kawakole P.S. Case No. 137 of
2016 for offences punishable under Sections 341, 323, 307,
304(B)/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that her daughter Mamta Devi was wedded to one Vikash Yadav
three years back and for non-fulfillment of demand of dowry, the
petitioner along with other matrimonial family of the deceased has
beaten her to death.

It has been submitted by the learned counsel for the
petitioner that he is innocent and he is the elder brother of the



husband of the deceased,. He submits that there is no specific allegation of assault attributed against the petitioner. There are general and omnibus allegations and that the post-mortem report specifies, number of injuries caused by hard and blunt substance, which cannot be attributable only to the petitioner. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant and learned APP vehemently opposes the prayer of bail stating therein that independent witnesses have stated that the deceased was subjected to torture by her in-laws including the petitioner and it was the petitioner and the *Dever* of the deceased who had assaulted the deceased by *Lathi*, resultantly she died.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail **after completion of six months in custody** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, IVth Nawada, in connection with Kawakole P.S. Case No. 137/16 subject to the condition that both bailors would be a close relative of 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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