

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43292 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -NIMCHAKBATHANI District- GAYA

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Suneel Yadav, S/o Lakhan Yadav, resident of Village- Oranpura, P.S.-
Nimchak Bhathani, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lilawati Singh

For the Opposite Party/s : Mr. Sri Akbar Ali

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
10.07.2017 in connection with Nimchak Bhathani P.S. Case No.
12 of 2017 for offences punishable under Sections 304B, 201 and
34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that when he went on the occasion of Makar Sankranti on
12.01.2017 to his sister's Dhanmanti Devi (deceased) matrimonial
house he did not find his sister there. On inquiry, it came to his
knowledge that she has been killed on 18.08.2016 for non-
fulfillment of demand of dowry and gold chain by the petitioner
and other in-laws of the family.



It has been submitted by the learned counsel for the petitioner that he is innocent, he is the father-in-law of the deceased and has been falsely implicated in the aforesaid case. It is submitted that it came to the knowledge of the informant about the disappearance of his sister on 12.01.2017 but F.I.R. has been lodge on 22.01.2017 after delay of nearly 10 days and no plausible explanation has been given for such delay. It is submitted that no overt act has been alleged to have been committed by the petitioner and allegations are general and omnibus against all the matrimonial family members of the deceased. It is submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the witnesses have supported the prosecution story and some of the witnesses have stated that the deceased was taken away by the husband and the petitioner to Nandosi house thereafter she became traceless.

Considering the facts and circumstances and the materials on record and that the dead body has been disposed of without information to the parental house of the deceased, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Nimchak Bhathani P.S. Case No. 12 of 2017



pending in the court of learned Additional Chief Judicial Magistrate-10th Gaya.

The application is, accordingly, rejected. However, the petitioner may renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

Devendra/-

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