

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58509 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -JAMHORA District- AURANGABAD

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Basant Yadav S/o Raghunandan Yadav, R/o Village/Mohalla- Saida Bigha,
P.S.- Jamhor, District- Aurangabad, (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Atul Chandra, Adv.

For the Opposite Party/s : Mr. Sri Lalan Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 18-01-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for
the offences punishable under Sections 436,307,302/34 of
the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The petitioner is husband of the victim Reena
Devi. Reena Devi gave her fardbeyan before the police in the
Female Ward, Sadar Hospital, Aurangabad that for non-
fulfillment of dowry demand, the petitioner and others burnt
her as well as to her child after pouring kerosene oil. The
child died instantly and during course of treatment, the
informant also died. Paragraph-28 of case diary would reveal
that further statement of the victim was recorded by the
police on 05.04.2017 in the Patna Medical College and



Hospital, which fortifies the trustworthiness of the dying declaration as the victim was mentally and physically fit to make statement.

Submission of the learned counsel for the petitioner is that there is no witness before the police to substantiate a case of dowry death rather the witnesses have stated that the victim sustained burn injury while she was cooking food, as a result whereof, she died.

It is evident that the parents of the victim were not alive on the date of occurrence. The victim died unnatural death within few years of her marriage.

Hence, I am not inclined to enlarge the petitioner on bail.

Accordingly, the application is rejected in connection with Jamhor P.S.Case No. 28 of 2017 pending before the court of learned Chief Judicial Magistrate, Aurangabad.

(Birendra Kumar, J)

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