

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.812 of 2018**

Arising Out of PS. Case No.-13 Year-1996 Thana- BELHAR District- Banka

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Rajendra Yadav Son of Badri Yadav Resident of village- Bela, P.S.- Belhar,  
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

3     31-01-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in connection with  
Belhar P.S. Case No. 13 of 1996 registered under Sections 302,  
304(B), 201/34 of the Indian Penal Code and Section 3/4 of D.P.  
Act.

Daughter of the informant is said to have been  
eliminated by her husband along with his family members over  
dowry demand of motorcycle.

It is submitted by learned counsel for the  
petitioner that no such occurrence as alleged over took place.  
As a matter of fact, the deceased had died due to accidentally  
falling in the well and family members of the deceased had also



joined her cremation. The witnesses have also supported the aforesaid facts. I.O. has submitted the final form in the case, but learned lower court after 18 years, took cognizance of the offence against the petitioner without any protest petition filed by the informant. The petitioner has been languishing in custody since 22.11.2017.

On the other hand, learned APP vehemently opposed the bail petition and submitted that the petitioner along with others committed murder of the deceased over dowry demand by dumping her in the well. The petitioner happens to be the husband of the deceased.

From perusal of case diary, it appears that though several witnesses in paragraphs 14 to 19 and in paragraphs, 29, 30, 31 and 44 appears to have supported the defence case, but barring the witness in paragraph 44 of the case diary, the aforesaid witnesses are co-villager of the petitioner. While witness in paragraph 44 of case diary is samadhi of petitioner's father. On the other hand, informant in her further statement and witnesses in paragraphs 5, 6 and 7 have unanimously supported the prosecution case. Though, the cognizance appears to have been taken after 18 years, but the petitioner has not assailed the aforesaid cognizance order.



Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, learned lower court is directed to dispose of the case as expeditiously as possible preferably within nine months from the date of commitment of the case.

**(Prakash Chandra Jaiswal, J)**

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