

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33764 of 2018

Arising Out of PS.Case No. -540 Year- 2017 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Dhiraj Kumar Yadav @ Dhiraj Kumar S/o Late Mohan Yadav @
Mohanlal Yadav, R/o Vill.- Sherpur (Dhobi Tola), P.S.- Bihar, District-
Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered under
Sections-498A, 304B/34 of the Indian Penal Code.

Allegation against the petitioner is of committing torture and
caused death of the victim due to non-fulfillment of demand of
dowry.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 11.10.2017 and has got no criminal
antecedent. There is no allegation of tampering of witnesses
against the petitioner. Charge sheet has already been submitted in
the case. The petitioner has been made accused due to mistake of



fact. It has been submitted on behalf of the petitioner that prior to institution of the FIR, postmortem was conducted and seizure list was also prepared. The time of institution of FIR is at 1.00 p.m. There is no eye witness to the alleged occurrence. There is no other substantive evidence to suggest the implication of the petitioner in this case.

On behalf of the State and counsel for the informant, it is submitted that the petitioner is named in the F.I.R. He is husband of the deceased. The onus is on him to explain the cause of death of the deceased.

Considering the aforesaid facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner in connection with Bihar P.S. Case No. 540 of 2017 corresponding to Sessions Trial No. 221 of 2018 stands rejected.

The Court below is directed to take all necessary steps to expedite the trial of the petitioner.

(Sudhir Singh, J)

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