

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55753 of 2017

Arising Out of PS.Case No. -31 Year- 2017 Thana -SANGRAMPUR District- MUNGER

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Ganesh Yadav, son of Uchit Yadav, Resident of Village- Bhandar, P.S.
Tetia Bambar (Sangrampur), District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 11-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with Sangrampur (Tetia Bambar) P.S. Case No. 31 of 2017 dated 26.03.2017 instituted for the offences under Sections 302/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The deceased is one and half years old child who is said to have been killed by the petitioner and his parents. It has been alleged by the informant that she was married to the petitioner about three years ago and after staying with him for about six months, she came back to her mother's house and thereafter she gave birth to a baby(deceased). The petitioner and his parents, thereafter, started demanding rupees two lacs and perforce, that the father of the informant had to pay rupees eighty



thousands after the demand of the aforesaid amount. The informant came back to her matrimonial home. On 25.03.2017, on the day of Basant Panchami, it has been alleged that the petitioner and his parents ousted the informant out of her matrimonial house and snatched the one and half year old child and threw him on the ground. The child was thereafter strangled to death and the dead body was kept in the community hall.

Learned counsel for the petitioner has submitted that an absolutely false and concocted case has been lodged by the informant against her husband and in-laws. It has been submitted that petitioner had married the informant of his own volition and thus there was no occasion for the petitioner and his parents to have demanded additional dowry. No circumstance has been given by the informant, of the petitioner and others asking her for more money on 25.03.2017 when, only after the payment of rupees eighty thousand by her father, she had been staying in her matrimonial house. Learned counsel for the petitioner has also submitted that because of the matrimonial dispute between the informant and the petitioner, such an allegation has been levelled against the entire family of the petitioner. If the deceased child would have been killed by the petitioner and others, the dead body would not have been kept in the community hall by the petitioner



and others to be prosecuted in this case of murder. Learned counsel for the petitioner has also submitted that informant was actually living with her parents and after the death of the child, the entire family members of the petitioner have been made accused because of the matrimonial dispute. Considering the aforesaid facts, the parents of the petitioner have been granted anticipatory bail by a Bench of this Court vide order dated 01.07.2017 passed in Cr. Misc. No. 27234 of 2017.

The petitioner is in custody since 03.07.2017.

Taking into account the aforesaid facts, this Court is inclined to grant bail to the petitioner.

The petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, II, Munger in connection with Sangrampur (Tetia Bambar) P.S. Case No. 31 of 2017.

(Ashutosh Kumar, J)

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