

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37133 of 2018

Arising Out of PS. Case No.-89 Year-2016 Thana- ARIYARI District- Sheikhpora

Bhushan Yadav S/o Sitaram Yadav, R/o Vill.- Mai Amarpur, P.S.- Ariyari,
District- Sheikhpora.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Kumar Virendra Narayan

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

ORAL ORDER

4 25-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Ariyari
P.S. Case no. 89 of 2016 registered under Sections 304(B), 201,
34 of Bihar Excise and Prohibition Act-2016.

The petitioner who happens to be husband of the
deceased is said to have committed dowry death of the daughter
of the informant in association of his family members.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He has been
falsely implicated in this case by the informant. He has been
linguishing in custody since 6.11.2017. The matter has been
compromised and the petitioner has executed land in favour of
children of the deceased and charge-sheet in the case has
already been framed. Hence, he may be enlarged on bail.



On the other hand, learned APP vehemently opposed the bail prayer of the petitioner and submitted that earlier the bail prayer of the petitioner was rejected vide order dated 16.3.2018 as the petitioner happens to be husband and deceased died due to head injury inflicted at the hands of the accused persons including the petitioner. The postmortem report also indicates that the doctor has opined the cause of death due to hemorrhage caused by aforesaid injury and the accused persons including the petitioner buried dead body of the deceased in the river. The petitioner cannot claim for bail on the basis of compromise between the parties in such heinous offence. Hence, he does not deserve bail.

In 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 conclude the trial, as expeditiously as possible, preferably within five months, from the date of receipt/production of a copy of this order.

(Prakash Chandra Jaiswal, J)

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