

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41723 of 2018

Arising Out of PS.Case No. -388 Year- 2013 Thana -BAHADURPUR District- DARBHANGA

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Dhirendra Yadav S/o- Shri Upendra Yadav, resident of Village- Kapchhahi,
P.S. Sonki, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Srivastava, Advocate.

For the Opposite Party/s : Md. Ansarul Haque, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-09-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Bahadurpur P.S. Case No.
388 of 2013 instituted for the offence under Sections 304(B),
120(B) and 201/34 of the Indian Penal Code.

Counsel for the petitioner submits that petitioner has
surrendered in the court on 01.11.2017 and since then he is in
custody. Petitioner is husband of the deceased. Counsel for the
petitioner further submits that there is no direct evidence against
petitioner in the written report or in the entire case diary.
Petitioner has been falsely implicated in the case.

In the written report it is alleged that daughter of the
informant was married with the petitioner in the year 2012. After
marriage she was tortured by husband and his other family



members for demand of dowry. It is further alleged that on 8.11.2013 a mobile call was received by the informant that petitioner and his other family members are coming for *Bidaigiri* of daughter of the informant. The informant told them that she will send her daughter after *chhath* since she was pregnant, but due to undue pressure by petitioner and his brother-in-law (Bahnoi), daughter of the informant went to her in-laws house. It is further alleged that on 9.10.2013, the informant got information from Dhanik Lal Yadav that dead body of her daughter was kept covered with straw. The informant rushed to the spot and found dead body of her daughter in decayed condition. She found black mark on the neck of the deceased. It is further alleged that her daughter was killed by petitioner and his brother-in-law (Bahnoi) Hira Lal Yadav and dead body has been kept in the orchard.

Case diary has been received.

There is no eye witness of occurrence in the case diary. It is mentioned in the case diary that dead body was recovered from the field near orchard. Post mortem report is available in the case diary wherein the Doctor has opined the cause of death due to asphyxia as a result of strangulation. It is mentioned in the post mortem report that death has occurred within 24-36 hours from



the time of post mortem.

In the First Information Report it is mentioned that on 8.11.2013 in the evening the petitioner (husband of the deceased) and his brother-in-law took the daughter of informant on Motorcycle. On next day i.e. 9.11.2013 the informant received information from Dhanik Lal Yadav that dead body of her daughter is lying in the orchard.

As such, besides suspicion there is no allegation of specific overt act against the petitioner in the written report or in the entire case diary.

Therefore, keeping in view the period spent by the petitioner in custody, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge, Darbhanga, in connection with Bahadurpur P.S. Case No. 388 of 2013, subject to the condition that both the bailors will be the close relatives of the petitioner.

The petitioner will cooperate in conclusion of the trial. He will remain present on each and every date of trial till disposal of the case. He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. In the event



of default of two consecutive dates, his bail bonds will liable to be cancelled.

(Sanjay Priya, J)

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