

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3496 of 2019

Arising Out of PS. Case No.-268 Year-2018 Thana- JAYNAGAR District- Madhubani

Dhaneshwar Yadav, aged about 35 years (M), son of Hardeo Yadav, resident of village-Bela, P.S. Jainagar, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-01-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 27.05.2018 in connection with Jai Nagar P.S.Case No.268 of 2018 for the offence alleged under Sections 307, 498A and other allied Sections of the IPC. Later on Sections 304B and 302/34 of the Indian Penal Code has been added as the victim had died.

The prosecution case as lodged by the informant victim/deceased is that the petitioner who is the husband of the deceased along with the father-in-law, mother-in-law and other family members poured kerosene oil and burnt her. The said fardbeyan has been recorded in the hospital by the police. The date of occurrence is 26.05.2018 and the victim died eight days after the occurrence.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He further submits that general and omnibus allegation has been levelled against all the co-accused and the marriage was solemnized in the year 2012. He submits that some of the co-accused have already been granted the privilege of bail by a coordinate Bench of this Court and chargesheet has been submitted, there being no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is the husband and the fardbeyan of the deceased is by way of dying declaration who herself stated that the petitioner along with other family members poured kerosene oil on her. .

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner. Prayer for bail is rejected. However, petitioner is at liberty to renew his prayer for bail after nine months, if the trial is not concluded by that time.

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(Nilu Agrawal, J)

