

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2387 of 2019

Arising Out of PS. Case No.-719 Year-2018 Thana- MADHEPURA District- Madhepura

Sanjay Yadav, Son of Chandeshwari Yadav Resident of Village-Chiknautwa,
P.S.-Ghailarh, District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Dilip Kumar (App19)

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

6 29-03-2019 Heard learned counsel appearing for the petitioner as
well as learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 15.10.2018 in
connection with Madhepura (Ghailarh) P.S. Case No. 719/2018
registered for the offences punishable under Sections 302, 201,
120-B and 34 of the Indian Penal Code.

Petitioner happens to be the husband of deceased and,
admittedly, the marriage of petitioner with deceased had taken
place 9 years ago and out of the aforesaid wedlock deceased
gave birth to two children. The informant claims that deceased
was subjected to cruelty due to non-fulfillment of illegal



demand of dowry but except oral statement, there is nothing on the entire case diary to show that the petitioner had ever made illegal demand from informant. However, in course of investigation, the statement of daughter of petitioner was recorded at para 38 of the case diary and the daughter of petitioner disclosed that petitioner used to torture her mother and on the alleged date of occurrence, petitioner along with his father, brother and grandfather had assaulted the deceased, as a result thereof, deceased died. Admittedly, the daughter of petitioner was aged about only 7 years old at the time of recording of her statement.

The remains of dead-body of deceased were recovered and sent for postmortem examination. However, after examining the remains of dead-body of deceased, doctor expressed his inability to give cause of death of the deceased. However, the doctor very clearly mentioned in his report that no antemortem injury or fracture was found on the bones of the deceased.

Learned counsel appearing for petitioner submits that, as a matter of fact, on the alleged date of occurrence, deceased was suffering from acute abdominal pain and while she was being taken to Saharsa Sadar Hospital, she died on her way and,



thereafter, information regarding her death was given to informant but when informant did not come even after getting information of death of the deceased, the petitioner and others started cremating the dead-body of deceased. However, in the meantime, informant came there with police and lodged this false case. Learned counsel of the petitioner further submits that co-accused Chandeshwari Yadav and Rambilash Yadav, who happens to be the father and the brother of petitioner respectively have already been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court *vide* order 18.1.2019 passed in Cr. Misc. No. 582 of 2019, whereas petitioner is in jail custody since long and the investigation against him has already been completed. He further submitted that so far as the statement of daughter of petitioner is concerned, after arrest of the petitioner, the informant took the possession of his daughter and got tutored her, as a result whereof, she made wrong statement before the police.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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 Chief Judicial Magistrate,



Madhepura /concerned court in connection with Madhepura
(Ghailarh) P.S. Case No. 719/2018.

(Hemant Kumar Srivastava, J)

Spd/-

U		T	
---	--	---	--

