

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14910 of 2019

Arising Out of PS. Case No.-179 Year-2018 Thana- BELHAR District- Banka

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BIRENDRA YADAV (Male), aged about 25 years, Son of Basudev Yadav @
Basudav Yadav, Resident of Village - Hardiya, P.S.- Belhar, Distt - Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Brij Nandad Prasad, Advocate.

For the Opposite Party : Mr.Md. Shakir Ahmad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

5 23-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
03.09.2018 in a case for the offence registered under Sections
302, 328/34 of the IPC and $\frac{3}{4}$ of D.P. Act.

The prosecution story, in brief, is that the daughter of
the informant was married to Birendra Yadav (petitioner) in the
year 2015 according to Hindu rites and rituals. Both enjoyed
their conjugal life happily for one year and thereafter his son-in-
law (Birendra Yadav) started abusing and assaulting her and also
subjected her to cruelty and started demanding Rs. 2,00,000/-.
He showed inability to pay the additional dowry for that his son-
in-law subjected her to cruelty. For that a Panchayati was
convened. On 01.07.2018, he was informed about consuming



poison by his daughter, which resulted to her death. Upon which, he reached there and found her daughter dead. Then information with regard to death was given to police and his statement was recorded in presence of his co-brother (Sadhu), Samadhi and brother-in-law. He claimed that his daughter was killed by administering poison by his son-in-law (Birendra Kumar) in which his daughter's sister-in-law (Gotani) Sonia Devi was also involved in commission of the present crime.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. In course of investigation, number of witnesses have stated that the victim herself has committed suicide. It is not a case for offence under Section 302 of the IPC. At best, it is a case for the offence under Section 306 of the IPC.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Additional
Chief Judicial Magistrate-III, Banka, in connection with Belhar
P.S. Case No. 179 of 2018.

(Sudhir Singh, J)

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