

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33606 of 2019

Arising Out of PS. Case No.-29 Year-2017 Thana- SURYAGARHA District- Lakhisarai

SULENDRA YADAV @ SURENDRA YADAV Son of Ram Balak Yadav
Resident of Village - Purana Salempur, P.S.- Surajgarha, District- Lakhisarai
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jainendra Kumar
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-08-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Surajgarha P.S. Case No. 29 of 2017 (S.T. No. 2 of 2019),
registered for the offence punishable under Sections 304(B)
and 120(B)/34 of the Indian Penal Code.

The case of the prosecution is regarding the petitioner
and other accused persons having killed the victim lady for
want of dowry.

The learned counsel for the petitioner has submitted that
though it is true that the petitioner is the husband of the
deceased victim lady, however, in the ongoing trial bearing
Sessions Trial No. 2 of 2019, four witnesses have been
examined by the prosecution, but they have been declared
hostile, hence, it is apparent that the petitioner has been



falsely implicated in the present case. It is further submitted that the petitioner is languishing in custody since a long time.

I have heard the learned counsel for the petitioner, as also the learned APP for the State and I find that the petitioner is the main accused inasmuch as he is the husband of the deceased lady and the postmortem report suggests that the death had taken place on account of throttling the neck. As far as deposition of the witnesses, examined during the course of trial, as relied upon by the learned counsel for the petitioner, is concerned, it is apparent that the informant has not been examined till date, hence, reliance on such prosecution witnesses, most of whose statement had not even been recorded by the police during the course of the investigation, is of no worth at the moment, i.e. at the time of considering the prayer of the petitioner for grant of regular bail. Hence, this Court is of the view that since the petitioner is the main accused, on account of him being the husband of the deceased lady and the trial is already underway, the prayer of the petitioner for grant of bail does not deserve consideration, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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