

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47632 of 2018

Arising Out of PS. Case No.-81 Year-2017 Thana- KUDRA District- Bhabhua (Kaimur)

Deepak Kumar Yadav Son of Grees Narayan Yadav resident of Village
Sareya, P.S. Kudra, District Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh

For the Opposite Party/s : Mr.Sri Ajay Kumar-1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 20-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered under Sections
498(A), 306/34 of the Indian Penal Code and 3/4 of the D.P. Act.

The prosecution case, in brief, is that on the basis of statement
of deceased, FIR was lodged with allegation that she was being
tortured and lastly, done to death by the accused persons for want of
demand of dowry.

Earlier prayer for bail of the petitioner was rejected vide
Annexure-1 to the present application taking into account that the
FIR is dying declaration of the deceased. The deceased happens to be
wife of the petitioner and the onus is upon him to explain the cause
of death. A report was called for from the trial court regarding the
stage of the case. It has been reported that 8 prosecution witnesses
including the I.O. are to be examined. The case was fixed on 01-09-



2018 for framing of charge. It has further been indicated that the trial will be concluded within nine months from the date of framing of charge.

On behalf of the State, it is submitted that the petitioner is husband of the deceased. Earlier prayer for bail of the petitioner was rejected.

Considering the nature of accusation, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Kudra P.S. Case No. 81 of 2017 is rejected.

The trial court is directed to frame charge, if not framed as yet, and conclude the trial preferably within a period of nine months from the date of receipt/production of copy of the order. The District Magistrate and the Superintendent of Police, Kaimur at Bhabua are directed to ensure that the prosecution witnesses are produced on the date fixed by the trial court.

Let a copy of this order be communicated to the Superintendent of Police, Kaimur at Bhabua for needful.

(Sudhir Singh, J)

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