

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72467 of 2018

Arising Out of PS. Case No.-71 Year-2018 Thana- SIKRAUL District- Buxar

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Nirmal Yadav, Son of Baban Yadav, Resident of Village-Basav Kala P.S.-
Sikrol, Distt.-Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. (Dr.) Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 29-01-2019 Heard learned counsels for the petitioner, informant
and learned APP for the State.

The petitioner, being the husband of the sister of the informant, is languishing in custody since 05.07.2018 in a case registered for the offence punishable under Sections 498A/302 and 201/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Rajendra Yadav submitted to the Station House Officer, Sikraul Police Station is to the effect that the sister of the informant, namely, Usha Devi's marriage was performed with the petitioner 12 years prior to lodging of the



present case. On 26.06.2018, at 6.00 A.M., one Rakesh Yadav informed the informant that her sister is missing since 3.00 A.M. After having received such information, the informant reached at the in-laws house of her sister at 11.00 A.M. and asked about her sister, when the accused persons conveyed him that her sister left the house at 3.00 A.M. On enquiring from the nearby people, the informant came to know that on the same day at 11.00 P.M., all the accused persons, including the petitioner brutally assaulted the sister of the informant and thereafter she became traceless. It is also alleged that the accused persons used to torture the sister of the informant for non-fulfillment of further dowry demand of a gold chain. It is further alleged that on 27.06.2018 at 6.30 A.M., the informant received informant that the dead body of his sister is lying in a pond. After having received such information, when the informant reached there, he found the dead body of his sister with injury mark on her neck.

It is submitted by learned counsel for the petitioner that the accusation of assault for non-fulfillment of further dowry demand after 12 years of marriage appears to be unreasonable and unbelievable. Admittedly, the informant was informed when she went missing from the house. It is further



submitted that there is no eye witness to the occurrence and the postmortem report suggests the death due to drawn. The investigation has already been concluded. It is also submitted that earlier the petitioner lodged a 'Sanha' to the effect that since the sister of the informant is unable to give birth to a child, she has gone under depression. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the informant that for non-fulfillment of further dowry demand all the accused persons, including the petitioner, brutally assaulted the victim and drawn her to death.

Learned APP for the State submits that though no direct evidence has been collected against the petitioner during investigation, but the victim died at the behest of petitioner.

Considering the fact that the accusation of assault or throttle is not corroborated by the medical opinion and the postmortem does not suggest any injury on the body of the victim, cause of death has been found as asphyxia due to drawing and the investigation has already been concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the



above named petitioner 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 CJM, Buxar, in connection with Sikrol P.S. Case No. 71 of 2018.

(Dinesh Kumar Singh, J)

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