

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 12792 of 2020**

Arising Out of PS. Case No.-542 Year-2019 Thana- DHANARUA District- Patna

RAJBALLAM YADAV @ RAJBALLABH YADAV Son of Siya Saran Yadav
Resident of Village-Madahipar, P.O.-Vijpura, P.S.-Dhanarua, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ashok Kumar Pathak, Advocate

For the Opposite Party/s : Mr Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **03-06-2020** The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard Mr Ashok Kumar Pathak, learned counsel for the petitioner as well as Mr Anand Mohan Prasad Mehta, learned APP for the State. Learned counsel for the informant has also made submissions.

Petitioner seeks bail in a case registered under Section 304B/34 of Indian Penal Code.

The prosecution case is that the informant, father of



the victim alleged that after her marriage in the year, 2015, the victim was kept properly at her in-law's house for some time. Later, the in-laws started torturing her for demand of some cash and motorcycle as dowry. The informant came to know on 30.12.2019 that his daughter was killed. When he went to the in-law's house of the victim, the house was found locked. On making queries, he came to know that the dead body of his daughter has been taken away by the petitioner for performing the last rites. It is, thus, alleged that before cremation, the informant has managed to get the dead body of the victim.

Petitioner's counsel submits that the petitioner was living separately from the victim and he was running a dairy from Jehanabad. The victim's husband is doing job in Gujarat and, at the time of occurrence, was not present at the house where victim has allegedly been killed. It is submitted that taking into consideration the fact that the petitioner is father-in-law and is in custody since 31.12.2019, prayer for bail may be allowed.

The learned counsel for the informant and the learned APP for the State have opposed the prayer for bail. It is submitted that from the allegations made in the first information report, it is obvious that the dead body of the victim was



recovered from the petitioner when he was going to perform the last rites with an intention to destroy the evidence of cruelty, which has been found in the post mortem report.

Considering the rival submissions and the gravity of the allegations, this Court, for the present, is not inclined to allow the prayer for bail. The same is rejected.

(Madhuresh Prasad, J)

M.E.H./-

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