

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74925 of 2019

Arising Out of PS. Case No.-364 Year-2018 Thana- GHORASAHAN District- East
Champaran

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Raju Kumar Yadav S/o Sona Lal Rai @ Sona Lal Pd. Yadav Resident of
Village- Sheikh Toli Laukhan, P.S.- Ghorasahan, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III

For the Opposite Party/s : Mr.Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsels for the petitioner and the
State.

The petitioner, being the husband of the daughter of
the informant, who is languishing in custody since 19.07.2019,
has preferred the present application for grant of bail in a case
registered for the offences punishable under Sections 341, 342
and 498A/34 of the IPC and Sections 3/4 of the Dowry
Prohibition Act.

The prosecution case, as per the written report of
Laxman Rai, submitted to the S.H.O., Ghorasahan Police
Station is to the effect that the informant's daughter was married
with the petitioner in the year 2014, but subsequent to the



marriage, further dowry demand of Rs. 2 lacs was and due to non-fulfillment of the same, the daughter of the informant was tortured by all the accused persons including the petitioner. On 07.09.2018, the informant went to meet his daughter, but neither he found his daughter nor his grand-son and hence the FIR was lodged against the petitioner and other in-laws family members raising suspicion of killing the daughter of the informant. During investigation, the dead body of the grand-son of the informant was recovered from Sitamarhi and the same was identified by the informant. The wife of the petitioner is still traceless and on conclusion of investigation, chargesheet has been submitted under Sections 302 and 201/34 of the IPC.

Mr. Yogesh Chandra Verma, learned Senior Counsel for the petitioner submits that the informant was in habit of leaving her in-laws house, that is why, an informatory petition, being Informatory Petition No. 766 of 2018, has been filed before the Sub-divisional Officer, Sikarhana and thereafter the present FIR has been lodged. It is further submitted that for the alleged occurrence of 07.09.2018, the FIR has been lodged on 13.09.2018. The accusation of kidnapping the own wife appears to be unreasonable and the death of the daughter of the informant has not been ascertained, but chargesheet has



mechanically been submitted. The investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the dead body of the son of the petitioner has been recovered and the same has been identified by the informant, however, death of the informant's daughter has not been ascertained.

Considering the fact that thrust of accusation is against the petitioner, being the husband of the victim, dead body of the grand son of the informant has been recovered and the same has been identified by the informant, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, in connection with Ghorasahan P.S. Case No. 364 of 2018, pending in the Court of learned SDJM, Sikrahna at Dhaka, Motihari, East Champaran.

However, it is expected from the learned trial court to expedite the trial and conclude the same preferably within a period of one year.

If the trial is not concluded within a period of one year, the petitioner will be at liberty to renew his prayer for bail.



The application is dismissed.

(Dinesh Kumar Singh, J)

Amrendra/-

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