

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78428 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- TEKARI District- Gaya

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Anil Yadav @ Anil Kumar @ Anil Kumar Yadav, aged about 28 years, Male,
Son of Rambhajan Yadav, Resident of Village- Rajabigha, Dharamshala, P.S.-
Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 27-05-2020 Heard Mr. Shailesh Kumar, the learned counsel

appearing on behalf of the petitioner and Mr. Ram Bilash Roy
Raman, the learned Additional P.P. through video conferencing.

The petitioner seeks bail in Tekari (Panchanpur) P.S.

Case No.65 of 2019, registered under Sections 304B of the
Indian Penal Code.

The informant alleged that the deceased was married
with the petitioner about fix years ago but after marriage, the
petitioner and his family members stated demanding money.
When the demand was not fulfilled, the petitioner and other
accused persons poured kerosene oil and burnt her. During the
course of treatment the sister of the informant died.

Mr. Shailesh Kumar, the learned counsel for the



petitioner submits that the petitioner is of course the husband of the deceased but marriage was solemnized five years ago. Case diary is received. Neither the informant nor the wife of the petitioner ever complained any ill treatment at the hands of the petitioner or any member of his family for fulfillment of additional demand of dowry but accidentally the wife of the petitioner got fire and sustained grievous injury. During the course of treatment she died but the informant lodged the case making false allegation that the petitioner burnt his wife to death due to non-fulfillment of demand of dowry. It is further submitted that there is 41 days delay in lodging the FIR. It is also submitted that the deceased also made her statement (Annexure-2) before the police on 07.01.2019 and she disclosed that her husband of course assaulted her after taking wine but she herself set ablaze. It is submitted that the informant is now ready to compromise the case.

The learned Additional P.P. however, opposed the prayer for bail.

Perused the FIR and the case diary. The informant and other witnesses have very categorically stated that the petitioner and other family members on account of non-fulfillment of demand of dowry ignited fire in the body of the deceased after



pouring kerosene oil. It appears from perusal of the statement of the deceased, said to have been made immediately after the occurrence, that the petitioner assaulted her after taking wine and being frustrated she herself set ablaze.

Taking into consideration the facts and nature of allegations made and the fact that the petitioner is the husband of the deceased, I am not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order.

If the trial is not concluded within six months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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