

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13226 of 2021

Arising Out of PS. Case No.-113 Year-2019 Thana- NAGARNAUSA District- Nalanda

Jitendra Yadav Son of Chandradeep Yadav Resident of Village - Khapura
(Mustafapur), P.S.- Nagarnausa, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-07-2021 In view of sudden resurgence of COVID-19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the

learned APP for the State.

This Court would expect that the petitioner's Counsel

would honour his undertaking in the instant proceedings

regarding supply of requisite court fee etc. within two weeks

from the date he is called upon to do so by the office.

Petitioner seeks bail in S. Tr. No.33 of 2020 arising

out of Nagarnausa P.S. Case No.113 of 2019 registered under

Section 304(B)/34 of the Indian Penal Code.

The petitioner is the husband of the victim.

The submission of the petitioner's counsel is that it is



a suicidal death. This is a case of false implication and the petitioner in fact was living at Chennai where he was earning his livelihood for the last many years. Petitioner is in custody since 23.03.2019.

The learned APP submits that unnatural death of the victim is apparent from the postmortem report. FIR alleges demand of dowry and refusal. The unnatural death has occurred in the matrimonial home. Ingredients of the offence under Section 304B are clearly made out from the allegations and, therefore, the presumption under the section is against the petitioner.

Considering the rival submissions and on going to the postmortem report, whereby the doctor has opined death due to injury sustained and on account of asphyxia caused by strangulation, the prayer for bail on behalf of the petitioner (husband) who owes the prime responsibility for the safety and dignity of the deceased (wife) prayer for bail is rejected for the present.

(Madhuresh Prasad, J)

Prakash Narayan /-

U		T	
---	--	---	--

