

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31377 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- DUMARIYA District- Gaya

MITHILESH YADAV @ MITHILESH YADAV Son of Vishwanath Yadav @
Vishun Yadav Resident of Village - Kolhubar, P.s.- Dumaria, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-12-2021 Heard Mr. Anil Kumar Saxena, learned counsel for
the petitioner and Mr. Arvind Kumar Pandey, Additional Public
Prosecutor for the State through virtual mode.

Petitioner seeks regular bail in connection with
Dumaria PS Case No. 35/2020 registered for the offence
punishable under Section 304(B)/34 of the IPC.

The allegation against petitioner, as per First
Information Report, is that marriage of daughter of informant
was solemnized with the petitioner in the year 2014 and after
some time, the petitioner along with other family members
started demanding motorcycle as dowry and due to non
fulfillment of the demand, it has been alleged that the accused
persons administered poison to the daughter of the informant
due to which she died.

Learned counsel for the petitioner submits that the



petitioner is husband of the deceased lady and he has not committed any offence in the manner alleged. Learned counsel next submits that on the date of occurrence a call was made by brother of the deceased on the mobile of the petitioner and according to learned counsel for the petitioner that if the petitioner had tortured the sister of the caller, he would not have allowed him to talk to the deceased.

Regards being had to the fact and the submissions made by the parties and taking into consideration the nature of the allegation and the fact that within seven years of marriage daughter of the informant has died in her matrimonial home due to non fulfillment of the dowry demand and there is presumption under Section 113B of the Evidence Act against the petitioner and he has not given any reasonable justification regarding death of the deceased in her matrimonial home.

Accordingly, I am not inclined to grant regular bail to the petitioner. The same is, hereby, rejected.

(Anil Kumar Sinha, J)

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