

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31821 of 2020

Arising Out of PS Case No.-143 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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Binde Yadav, aged about 56 years (Male) Son of Late Gulai Yadav, Resident
of Village Laxmipur, PS - Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Abhay Kumar Singh, learned counsel for the
petitioner and Mr. Jharkhandi Upadhyay, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

2. The petitioner is in custody in connection with
Darbhanga Sadar PS Case No. 143 of 2020 dated 04.04.2020,
instituted under Sections 323/498(A)/34 of the Indian Penal Code
to which later on Section 304(B) of the Indian Penal Code was
added as also Section 4 of the Dowry Prohibition Act, 1961.

3. The allegation levelled against the petitioner, who is
father-in-law of the deceased, by the informant, who is mother of
the deceased, is that he along with other family members had
tortured her demanding dowry of Rs. 5,00,000/- and there was
also a minor girl child and after being ousted, due to *Panchayati*,



the deceased had come back to the matrimonial home but the demand of dowry was reiterated and the accused had killed the deceased by giving poison and then to save themselves had shown that she had tried killing herself by hanging.

4. Learned counsel for the petitioner submitted that there may have been some matrimonial discord, but it was not so much that the petitioner and his family members would kill the daughter-in-law, especially when there was a minor child born. Learned counsel submitted that the minor child is living with the petitioner's family. It was further submitted that the petitioner side had spent over Rs. 10,00,000/- in the treatment of the deceased who survived for almost three months. It was submitted that as it is, the petitioner being the father-in-law, he was not directly involved in any dispute which may have been between the husband and the wife. Learned counsel submitted that the petitioner having clean antecedent is in custody since 11.07.2020.

5. Mr. Jharkhandi Upadhyay, learned APP has filed a report from the Senior Superintendent of Police, Darbhanga and has also with him the copy of the case diary and the information which the Court had asked him to get. It was submitted that as per the report, Rs. 52,000/- was paid by the brother of the deceased towards her treatment expenses while almost Rs.10,00,000/- was



paid by the family members of the petitioner towards the bill of the hospital where she was treated. It was further submitted that there is no witness to the incident.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in Darbhanga Sadar PS Case No. 143 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate with the Court. Failure to cooperate shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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