

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33858 of 2020

Arising Out of PS. Case No.-247 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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Neeraj Yadav @ Neeraj Babu @ Jai Prakash Yadav @ Neeraj Babu Jai
Prakash Yadav Son of Lal Babu Yadav @ Lal Babu Chaudhary Resident of
Village - Semra, P.S. - Gopalganj Town, District - Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 12-02-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offence punishable under Section 304B/34 of the Indian Penal
Code.

Petitioner is husband of the victim of dowry death.
The victim died leaving behind three children.

Allegation against the petitioner and other in-laws is
of demand of dowry and torture for the same before death.

Learned counsel for the petitioner submits that the
proscription dated 03.02.2020 enclosed with the bail application
reveals that the victim was suffering from schizophrenia and
after her death and petitioner and others were falsely



implicated. Investigation of the case is already complete.

Learned counsel for the informant opposed the prayer on the ground that neighbours have supported the allegation of demand of dowry and torture for the same against the victim before her death. The doctor has found a case of strangulation and not hanging.

However, the record does not reveal that before death after six years of marriage any complaint was made to any authority regarding demand of dowry and torture for the same. Only after death of the victim such allegation has been levelled. Five persons are accused. Hence, on surmises and conjectures it cannot be assumed that which of the five had committed the strangulation unless there is eyewitness of the occurrence. The petitioner is in custody since 05.05.2020.

Considering the completion of investigation and no material to substantiate that the petitioner is going to tamper with the evidence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Gopalganj Town P.S. Case No.247 of 2020, with following conditions:



(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

Mkr./-

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