

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34677 of 2020

Arising Out of PS. Case No.-37 Year-2019 Thana- PARAIYA District- Gaya

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Mukesh Kumar @ Mukesh Yadav S/o Durga Yadav @ Durga Kumar Yadav
R/o Village- Sonbarsa, Police Station- Paraiya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-03-2021 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner seeks bail in a case initially registered under Sections 307, 504, 506, 34 and 120(B) of the Indian Penal Code and later on, Section 302 of the Indian Penal Code was also added.

Allegation against the petitioner is of committing torture and caused death of the informant/victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The petitioner is in custody since 28-11-2019. Charge sheet/Prosecution report in this case has already been submitted. He happens to be younger brother-in-law of the deceased. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in the present case. The petitioner is separate in mess and property from husband of the deceased. He has got no concern with the alleged occurrence.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. The informant is the deceased of the case. FIR can be said to be dying declaration. In the FIR, it is alleged that the husband and in-laws of the informant poured Kerosene Oil on the body of the informant/deceased. The postmortem report shows that there are burn injuries on the body of the deceased.

Considering the aforesaid fact that the FIR is dying declaration of the informant/deceased, I am not inclined to release the petitioner on bail. Accordingly, prayer for bail of the petitioner in connection with Sessions Trial No. 54 of 2020 arising out of Paraiya P.S. Case No. 37 of 2019 is rejected.

Learned trial court is directed to expedite the trial and conclude the same preferably within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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