

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38108 of 2020

Arising Out of PS. Case No.-152 Year-2020 Thana- GOVINDGANJ District- East
Champaran

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RAMJI YADAV Son of Nathuni Yadav Resident of Village- Balha, P.S.-
Govindganj, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-03-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Govindganj Police Station Case No. 152 of 2019, registered for
the offences punishable under Sections 304-B/341/323/504/
506/34 of the Indian Penal Code.

The allegation, as per the First Information Report, is
that the sister of the informant (now, deceased) was married
with the petitioner on 08.06.2019 and on 01.05.2020, the
informant got information that the petitioner, along with others,
has killed his sister and they had gone to dispose her dead body.
It has been alleged that the deceased has been killed due to non-
fulfillment of demand of dowry made by the petitioner and



others.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to the fact that he happens to be the husband of the deceased. He next submits that from perusal of the First Information Report, it would be evident that the First Information Report has been written by deed writer Jitendra Kumar Yadav and the First Information Report has been lodged after a delay of three days, with premeditated mind. He further submits that the petitioner is in custody since 19.06.2020.

On the other hand, learned Additional Public Prosecutor, referring to the case diary, submits that the deceased has been killed by the petitioner and other co-accused persons within one year of marriage in her matrimonial home and there is presumption, under Section 113-B of the Evidence Act, against the petitioner and other co-accused persons and the petitioner has failed to discharge the initial burden and has not given any reasonable justification about the death of the deceased in her matrimonial home within seven years of marriage. He next submits that the petitioner and others have also disposed the dead body of the deceased without informing the police and/or the family members of the deceased.



Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the deceased died an unnatural death within seven years of marriage in her matrimonial home, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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