

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3685 of 2021

Arising Out of PS. Case No.-58 Year-2020 Thana- RAIL JHAJHA District- Jamui

Pankaj Yadav Son Of Madho Yadav Resident Of Village- Pritamtar (Gangra),
P.S.- Gidhour, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Irshad
For the Opposite Party/s	:	Mr. Anand Kishore Sinha
	:	Mr. Brij Nandad Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-07-2021 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Rail Jhajha P.S. Case No. 58 of 2020 registered for the offence punishable under Sections 304(B)/34(A), 201 of the Indian Penal Code.

Allegation against the petitioner is that petitioner in association with his family members murdered informant's daughter and her elder son by means of *Brick* and *Gadasha* on account of non fulfillment of dowry demand. It is alleged that after killing



informant's daughter and his elder son petitioner and his father (*Madho Yadav*) threw the dead body on railway track and fled away on their motorcycle.

It is submitted by learned counsel for the petitioner that petitioner is falsely implicated in this case and has not committed any offence as alleged in the FIR. He submits that in para 45 of the case diary statement of the driver has been recorded which states that the deceased and his son were lying on the track and due to which they got crushed with the engine of the train and died. He further submits that in para 6 of the case diary deceased father have also stated that the death of the deceased and his son is due to rail accident. He further submits that petitioner's wife herself suicide due to torture by her mother and deadbodies were also found on railway track which is nearest from her *Maike*. The Police after investigation submitted charge sheet under Section 306 of the I.P.C. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of the bail petition and they are languishing in custody since 25.07.2020.

Learned APP for the State and learned counsel for the informant vehemently opposed the bail petition submitting that the cognizance has been taken against the petitioner under Section 304 B of the Indian Penal Code.

In the facts and circumstances of the case and considering the



fact that petitioner is the husband of the deceased, I am not inclined to enlarge the petitioners on bail in connection with Rail Jhajha P.S. Case No. 58 of 2020 to the satisfaction of learned Railway Judicial Magistrate, Kuil, Lakhisarai.

Accordingly, the bail application is hereby dismissed and liberty is given to the petitioner to renew his prayer for bail **after framing of charge.**

(Anjani Kumar Sharan, J)

GAURAV S./-

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