

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39471 of 2020**

Arising Out of PS. Case No.-112 Year-2019 Thana- SATHI District- West Champaran

KRISHNA YADAV @ MUNNI YADAV Son of Sri Chhathu Yadav Resident
of Village - Sirisiya, P.S.- Sathi, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 05-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Sathi Police Station (for
brevity, *PS*) Case No 112 of 2019 instituted for the offence
punishable under Sections 304B, 201/34 of Indian Penal Code
(for brevity, *IPC*).

The prosecution case is that the daughter of the
informant, who was married one and half years back to the
petitioner, has been done to death at her matrimonial home by
the petitioner and his family members who had regularly been
assaulted and tortured for alleged non-fulfillment of demand for
dowry.

Petitioner's counsel submits that the petitioner is



husband of the victim and is in custody since 22.11.2019. It is submitted that, even as per prosecution case, the informant has received information regarding the occurrence on 16.09.2019 whereas the First Information Report has been instituted belatedly, i.e., on 21.09.2019. During investigation, sufficient material has come to suggest that the victim was suffering from some medical condition since 28.08.2019 and that the in-laws, including the petitioner, have brought her to the clinic of Dr Sunil Kumar who, thereafter, referred the victim to Patna for better treatment. In course of her journey to Patna, she unfortunately passed away. The doctor has also been examined and that other independent witnesses have also stated about the victim being referred to Patna for better treatment and cremation at Patna.

The learned APP, referring to paragraphs 41, 50, 57 and 58, is not in a position to deny or dispute the submission. She, however, submits that the statutory presumption is against the petitioner under Section 304B of IPC.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



Chief Judicial Magistrate, West Champaran at Bettiah in Sathi
PS Case No 112 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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