

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41007 of 2020

Arising Out of PS. Case No.-45 Year-2019 Thana- GORIAKOTHI District- Siwan

Shailesh Kumar Yadav @ Shailesh Yadav Son Of Ram Lakhan Yadav
Resident Of Village- Goreakothi West Mathiya, P.S.- Goreakothi, District-
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Advocate

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-10-2021 Heard Shri Vijay Bardhan Pandey, learned counsel for
the petitioner and learned A.P.P. for the State.

The petitioner is seeking anticipatory bail in connection with Goreakothi P.S. Case No. 45 of 2019 dated 08.03.2019 instituted for the offences under Section 498, 304(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner, at the outset, submits that the petitioner is a person with clean antecedent. Further, as per the prosecution story as alleged in the F.I.R. it would manifest that the marriage of the deceased was solemnised in April, 2018 with the petitioner according to Hindu rites and customs. Further, that on 08.03.2019, the informant had called his sister on mobile which was picked by the brother-



in-law of the deceased, Kamlesh Yadav who disclosed that your sister has been killed by putting her on fire as the motorcycle was not given. Accordingly, the informant along with his family members immediately rushed to the house of the petitioner and saw that his sister was lying dead from burn injuries and on seeing the informant, the family members started fleeing away and accordingly, the police was informed. Further that the sister of the informant was being tortured by the family members of the petitioner including the petitioner and they were asking for motorcycle and were demanding money and for non-fulfilment of the dowry demand, the sister of the informant was killed by burning.

The learned counsel for the petitioner submits that the petitioner was not present in the house when the occurrence had taken place rather had gone to the field for cutting mustard plant also that the husband and father-in-law of the deceased works in Delhi and at the time of occurrence they were in Delhi. Accordingly, it is submitted that the petitioner being husband has been falsely implicated in this case.

Learned A.P.P. for the State submits that it is not in dispute that the marriage took place in 2018 and within less than a year, the sister of the informant died due to burn injuries.



Prima facie the presumption is against the husband and his family members for the present as the death took place within one year of marriage.

Considering the fact and circumstances of the case and that the petitioner is the husband of the deceased, the Court is not inclined to grant the privilege of anticipatory bail to the petitioner, hence the anticipatory bail application is rejected.

(Satyavrat Verma, J)

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