

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 2643 of 2021**

Arising Out of PS. Case No.-151 Year-2019 Thana- DHARHARA District- Munger

GAUTAM YADAV @ GAUTAM KUMAR Son of Kanti Yadav Village Badi
Godvindpur, P.S. Dharahara, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Jai Vardhan Narayan, Advocate
For the Opposite Party/s : Mr Bharat Bhushan, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 24-08-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, APP)
appearing for the State of Bihar.

The petitioner seeks bail in Dharahara Police Station
Case No 151 of 2019 instituted for the offence punishable under
Sections 304B, 341 of Indian Penal Code and Sections 3/4 of
Dowry Prohibition Act.

Petitioner is husband of the deceased. The unnatural
death of the deceased has occurred within five years of the
marriage in the matrimonial home.

Learned counsel for the petitioner submits that the



implication is false. There are two children out of the wedlock and, therefore, the petitioner be enlarged on bail as they require his care. The children are currently living with the grand parents.

Earlier, a report regarding the stage of trial had been called for from the Court below. It is stated by the Court below in the report that the case is pending for framing of charges.

Learned APP has opposed the prayer for bail. It is submitted that the post mortem report shows the death due to hanging. Death has occurred within five years of the marriage and the informant has alleged that there was demand for dowry.

Considering the rival submissions, this Court is inclined to accept the submissions advanced by the learned APP. This Court, for the present, is not inclined to allow the petitioner's prayer for bail.

Learned counsel for the petitioner submits that liberty be granted to the petitioner to move this Court after framing of charges.

Recording the aforesaid submission, prayer for bail is rejected.

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)

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