

IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7202 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- AANDAR District- Siwan

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Akhilesh Yadav, Son of Lalan Yadav, R/O Village- Mashudaha, P.S.-ANDER,
District- Siwan,Bihar. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 05-08-2021 Pursuant to the last order dated 29.04.2021 the F.S.L.

report has been received in a sealed bag. Mr. Kausar Alam, the

Bench Officer presently with this Court has opened the sealed

bag in course of hearing and place the report before this Court.

Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Anuj

Kumar Shrivastava, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Ander P.S. Case No. 67 of 2020 registered for

the offence punishable under Section 304B, 34 of the Indian

Penal Code.

Learned counsel for the petitioner submits that in the

First Information Report, though the allegation is that the

petitioner was demanding a Bullet Motorcycle and because of non fulfillment of his demand the daughter of the informant was killed, in course of investigation no such material has come to support the prosecution case.

Learned counsel submits that in this case, the F.I.R. was lodged on 23.05.2020 but it has been produced before the Magistrate on 03.06.2020. According to him there is no finding that the wife of the petitioner died of any unnatural death.

On the other hand, Mr. Anuj Kumar Shrivastava, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. Learned A.P.P. has taken this Court through the various paragraphs of the case diary in which the statement of the relatives of the victim girl as well as independent witnesses have been recorded.

Learned A.P.P. submits that the witnesses have supported the prosecution case and even the co-villagers of this petitioner have stated that the petitioner was making demand and on many occasions he was tried to be persuaded by the villagers, quarrel were taking place between the wife of the petitioner and this petitioner, later on the wife of the petitioner was found dead.

Learned A.P.P. further submits that the inquest report

as well as the post-mortem report shows one injury on the right side of the neck.

The F.S.L. report has been received and it does not indicate presence of any metallic, alcaloidal, glycosidal, pesticidal and volatile poison in the fluid.

Considering the facts and circumstances of the case, the seriousness of the offence alleged in which a newly wedded bride has died within the four-corners of the matrimonial home within three months of her marriage, the inquest report and the post-mortem report shows injury on the right side of her neck and there are witnesses including the co-villagers of the petitioner supporting the prosecution case, this Court is not inclined to release the petitioner on bail. The prayer for bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.