

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7404 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- TELHARA District- Nalanda

Raj Ballabh Yadav @ Raj Ballam Yadav aged about 50 years, (Male) son of late Chandu Yadav, Resident of village- Chhajjupur ,Police Station- Telhara, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner	:	Mr. Vibhuti Ranjan Sonvadra, Advocate
For the State	:	Mr. Md. Arif, APP
For the informant	:	Mr. Raj Kishore Prasad & Mr. Ashok Kumar, Advocates

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 20-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

3. Heard learned counsel for the petitioner, informant and learned counsel for the State.

4. The petitioner seeks bail in Telhara PS Case No. 60 of 2020, instituted for the offence under Section 304(B)/34 of the Indian Penal Code.

5. The FIR has been lodged on 18.05.2020 alleging that the informant's daughter was married to the petitioner's son in October, 2019 and that she has been poisoned for non-



fulfillment of demand for dowry.

6. The learned counsel for the petitioner submits that the prosecution case of marriage having taken place in October, 2019 is belied by the FIR lodged by the same informant in November, 2019, wherein, he has alleged that the petitioner's son has forcibly applied vermilion on the victim's head and contracted marriage. The further submission is that on the same date i.e. on 06.11.2019, the petitioner had also lodged an FIR stating that the petitioner's son has been confined by the informant of the instant case and his family members. In this background, the story of alleged killing for non-fulfillment of dowry is not sustainable. The petitioner is languishing in custody since 19.05.2020.

7. The learned counsel for the informant and learned APP representing the State have opposed the prayer for bail. They have stated that the trial is in progress. Two witnesses have been examined and the viscera report has not yet been received and, therefore, at this stage, this Court would not entertain the bail application of the petitioner, who is father-in-law of the deceased.

8. On examination of the three FIR's, this Court, for the present, is not inclined to extend the privilege of bail to the petitioner. Petition is rejected.

(Madhuresh Prasad, J)

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