

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10858 of 2021**

Arising Out of PS. Case No.-323 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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ROHIT YADAV SON OF LAXMAN YADAV R/O VILLAGE BABURAH, I,
POLICE STATION SAHEBPUR KAMAL, DISTRICT BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr.Dr. Mritunjaya Kumar Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-08-2021 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 learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Sahebpur Kamal P.S. Case No.323/2019

registered for the offences punishable under Section 304(B)/34

of the Indian Penal Code.

As per the prosecution story, the marriage between the

deceased and the petitioner had been solemnized in the year

2016 and out of the said wedlock they have got a female child.

The informant alleges that the petitioner, his brother, mother and

father were always demanding a sum of Rs. one lac as dowry and for non-fulfillment of the demand they were assaulting the daughter of the informant. On 31.10.2019 at about 6.30 pm the informant got an information on his mobile that his daughter has been killed whereafter he went there with his wife and found that the dead body of his daughter was lying on the cot. He alleged that the petitioner and his family members killed his daughter.

Learned counsel submits that the FIR was lodged on the subsequent day of the alleged occurrence. In his re-statement before the police the informant alleged that the telephonic call was given by this petitioner to inform the informant about the death of his daughter. The mother of the deceased had also admitted that this petitioner had informed her about the occurrence.

Learned counsel further submits that in course of investigation the witnesses have stated that when the petitioner found that the door of the room of his wife was closed from inside and it was not opening, he informed this to the co-villagers who assembled there and in their presence the door was broke open and it was found that dead body of the wife of the petitioner was hanging. The postmortem report does not

show any other kind of anti-mortem injury on the body and, therefore, no assault on her body has been suggested in the postmortem report.

Learned counsel further submits that there are several witnesses in the case diary who have stated that there were some quarrel between the two on some petty issues and the wife of the petitioner has committed suicide. The charge-sheet has also been filed under Section 306 IPC.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that in-laws of the family of this petitioner has alleged that the cruelty was being committed upon the deceased for non-fulfillment of the demand of dowry.

Considering the facts and circumstances of the case in which it has transpired that that the door of the room of the victim was closed from inside and in presence of the co-villagers the door was opened and the wife of the petitioner was found hanging, only a ligature mark around the neck has been noticed in the postmortem report and the witnesses on the place of occurrence say that it is a case of suicide, the charge-sheet has also been filed under Section 306 I.P.C., this Court directs that the petitioner above named be released on bail on

furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Sahebpur Kamal P.S. Case No.323/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.