

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.304 of 2022

Arising Out of PS. Case No.-217 Year-2020 Thana- CHANPATIA District- West Champaran

BIPIN YADAV Son of Sadhu Yadav Resident of Village- Karnapatti, P.s.-
Chanpatiya, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Hare Ram Ram Son of Late Vishwanath Ram Resident of Village- Achara
Ward No.09, Achara Hanuman Nagar, P.O. Nawabganj, P.S.- Fulkaha,
District- Araria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sachida Nand Rai
For the Respondent/s	:	Mrs.Usha Kumari 1
For the Informant	:	Mr.Mrigendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 22-09-2022

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard the parties.

The appellant has filed the instant appeal against the order dated 08.12.2021 passed in by the learned 1st Additional District and Sessions Judge cum Special Judge SC/ST, Bettiah, West Champaran whereby the prayer for bail of the appellant in connection with Chanpatiya P.S. Case no. 217/2020 registered under sections 304(B), 201/34 of the Indian Penal Code and section 3(i) (r) (s) /3(2) (v) (v-a) of the SC & ST (POA) Act was rejected.

As per prosecution case, there is accusation against the appellant and others to have committed murder of the informant's daughter due to non-fulfillment of demand of dowry.



Learned counsel for the appellant submits that the appellant is in custody since 02.08.2021 and bears no criminal antecedent. Learned counsel for the appellant further submits that appellant has falsely been implicated in this case being husband of the deceased. There is no specific allegation against the appellant. Allegation against the appellant is general and omnibus in nature. He further submits that the appellant had love marriage with the informant's daughter, which was inter-caste marriage. From the wedlock one male child born and both the wife and husband were living happily but the wife of the appellant was having ill health to whom the appellant was providing medicine by getting her treatment by a local doctor who was suffering from anemia, but she died because of the said disease.

The learned Spl. P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the appellant and submit that the appellant is husband of the deceased.

Considering the facts and circumstances of the case, nature of allegation levelled against the appellant, legal presumption of law as well as material available on record, I am not inclined to grant bail to the appellant. Hence, prayer for bail of the appellant stands rejected.

The appeal stands disposed off.

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.10.2022
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