

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5737 of 2022

Arising Out of PS. Case No.-39 Year-2021 Thana- FATUA District- Patna

SANTOSH YADAV, Son of Rajeshwar Yadav, Resident of Village- Rukunpur,
P.S.- Fatuah, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Shankar Sinha, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1,A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

44 30-11-2022

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

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

In the present case, the petitioner seeks bail in
connection with Fatuah P.S. Case No. 39 of 2021 registered for
the alleged offences under Sections 304(B) and 34 of the Indian
Penal Code.

As per prosecution case, marriage of the petitioner
was solemnized with the daughter of the informant and within 7
years of the marriage, daughter of the informant died. When the
informant and her family members went to the matrimonial
home of the daughter, they found the petitioner and other
in-laws to be absconding and a number of injuries were found



along with ligature mark on the neck of daughter of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner never demanded any dowry and this allegation is just after thought. No prior complaint was made if there was any torture and demand of dowry. During investigation, the witnesses examined have stated that deceased was leading a happy conjugal life with the petitioner and birth of a male child has taken place. The deceased committed suicide under depression. The informant is not an eye witness and she has filed this complaint case merely on suspicion. The petitioner is in judicial custody since 19.03.2021 and charge sheet has been submitted. Learned counsel further submits that other co-accused has been granted anticipatory bail vide order dated 24.03.2022 passed in Cr. Misc. No. 41303 of 2021, another co-accused has been granted regular bail vide order dated 10.03.2022 passed in Cr. Misc. No. 72176 of 2021 by different Coordinate Benches.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner is the



husband and allegation is causing dowry death of his wife.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner is the husband and death of his wife has occurred in the house within seven years of marriage and post mortem report shows the some injuries on the person of the deceased along with reason for death to be asphyxia and its compression of neck which makes the cause of death to be not natural and in view of serious allegation, I am not inclined to enlarge the petitioner on bail at this stage and hence, his prayer for grant of bail is rejected.

The learned trial court is directed to expedite the trial and conclude the same within nine months. However, if the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

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