

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8875 of 2022

Arising Out of PS. Case No.-525 Year-2020 Thana- BARACHATTI District- Gaya

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Baleshwar Kumar @ Baleshwar Yadav Son of Ramashish Yadav Resident of
Village - Nawadih, P.S. - Barachatti, Dist. - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman. APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner seeks regular bail in connection with
Barachatty (Mohanpur) P.S. Case No. 525 of 2020 lodged under
Sections 304(B), 201, 34 of the Indian Penal Code.

The case of prosecution is that the marriage of
deceased (informant's sister) was solemnized with the petitioner
in the year 2016, *Gauna* was taken place in the year 2018. The
allegation of torture by the husband and in-laws' family for
dowry are there. The informant states that on 28.08.2020 an
information was received about missing of her sister, he visited
there, started searching and dead body of his sister lying in a

canal at a distance of about 500 meter south from the house of the present petitioner taken place, dead body recovered and thereafter the present case has been filed.

Learned counsel for the petitioner submits that petitioner is husband of the deceased, he is innocent and has committed no offence. He further submits that relation between petitioner and his wife was cordial, his wife was pregnant also, on pity issues quarreling used to take place between them. He further submits that it was the unfortunate day that a hot discussion took place between husband and wife. According to him it is not a case of dowry death rather it may be a case of suicide. He submits that petitioner is completely innocent. He further submits that some of the accused persons have been granted anticipatory bail by the Co-ordinate Bench of this Court (Annexure-2). He further submits that petitioner is in custody since 05.09.2020, chargesheet has already been filed and has a clean antecedent, therefore, bail may be granted.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is an accused and has committed this offence, he is not bothered even to search his wife. He submits that in the postmortem report the cause of death is there. He further submits that it is not one

death rather two death caused by the petitioner because the informant's sister (deceased) was pregnant at the time of this event.

Learned counsel for the State also opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail application is rejected.

It is hereby directed to the court below to conduct the trial preferably within one year.

(Dr. Anshuman, J.)

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