

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9823 of 2022

Arising Out of PS. Case No.-174 Year-2021 Thana- HILSA District- Nalanda

RAKESH YADAV @ RAKESH RAUSHAN Son of Late Kailash Yadav
Resident of Village- Lalsi Bigha, Police Station- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP
For the informant	:	Mr.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-12-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 304B and 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant who was married to the petitioner was tortured for nonfulfilment of demand of dowry, was beaten up, abused and ultimately done to death.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the deceased. The altercation between the parties were not unusual but only as is generally between the husband and wife.



Referring to the postmortem examination report (Annexure-2) it is submitted that no external injury mark was found on the body of the deceased and on conclusion of the investigation chargesheet was submitted under section 306 of the Indian Penal Code besides other sections. The petitioner is in custody since 24.11.2021.

Learned APP for the State and learned counsel for the informant opposing the application for bail submit that though chargesheet has been submitted under section 306 of the Indian Penal Code, however, cognizance has been taken by the learned trial Court under section 304B of the Indian Penal Code besides other sections. There is direct allegation against the petitioner and the prayer for bail be rejected.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the contents of the postmortem examination report, chargesheet having been submitted under section 306 of the Indian Penal Code (though cognizance was taken under section 304B of the Indian Penal Code) together with the petitioner having remained in custody for more than 1 year since 24.11.2021, the Court directs the petitioner to be enlarged on bail in connection with Hilsa P.S. Case no. 174 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned A.C.J.M., Hilsa,
Nalanda.

(Partha Sarthy, J)

Bibhash/-

U			
---	--	--	--

