

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14310 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- SHANKARPUR District- Madhepura

Vikash Kumar, Son of Devendra Yadav Resident of Village - Hirolwa, Ward
No.08, P.S.- Shankarpur, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate.

For the Opposite Party/s : Mrs. Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 23-08-2022 Heard Mr. Uday Chand Prasad, learned counsel

appearing on behalf of the petitioner and Mrs. Asha Devi,

learned APP for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Shankarpur P.S. Case No. 12 of 2021 for the offence punishable
under Sections 302 and 304B/34 of the Indian Penal Code.

Prosecution story, in brief, is that the petitioner along
with his family members committed murder of the daughter of
the informant due to non-fulfillment of the demand of dowry.
The cause of death is asphyxia due to strangulation.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is innocent. Petitioner had solemnized marriage with the deceased in the year 2015 and they were blessed with one son and two daughters and they were leading a very happy conjugal life. There was no reason to resort to such an extreme step to murder his own wife. He further submitted that in course of investigation there is no material to show that the petitioner or his family members ever made any demand of dowry. The story on the other side is that the deceased was always humiliated by her own family members (mother and father) because she had married against the wishes of her parent. In fact, they are the persons who instigated the deceased to commit suicide. Petitioner is in custody since 04.02.2021. Other similarly situated co-accused have already been released on bail by co-ordinate Benches of this Court. On these grounds, the petitioner seeks to be released on bail.

Mrs. Asha Devi, learned APP for the State submits that there is direct allegation against the petitioner and co-accused named in the F.I.R. The deceased was of other caste which was not accepted by the family members of the petitioner and for the said reason, the entire family members including the petitioner used to brutally assault the deceased and they resorted



to commit murder by strangulating her. The post mortem supports the allegation made in the F.I.R. showing several injuries on the body of the deceased.

Having considered the rival submissions of the parties as well as allegation made in the F.I.R., it appears that the petitioner and the deceased were of different caste, however they were blessed with one son and two daughters. Postmortem supports the allegation made in the F.I.R. showing several injuries on the body of the deceased and death is due to asphyxia due to strangulation, this Court is not inclined to enlarge the petitioner on bail.

Accordingly, the present bail application is rejected.

Taking into consideration three minor children of the petitioner who are left in the hand of old mother and father of the petitioner, the trial court is directed to conclude the trial expeditiously within a reasonable period.

Superintendent of Police, Madhepura is directed to produce the prosecution witnesses without fail on the date fixed by the trial court.

(Purnendu Singh, J)

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