

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28301 of 2021

Arising Out of PS. Case No.-56 Year-2019 Thana- ALIPUR District- Gaya

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Munna Yadav @ Munna Kumar Yadav Son of Sidhnath Yadav Resident of
Village - Alipur, P.S.- Alipur and Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate.

For the Opposite Party/s : Dr. Indihar Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

9 27-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Aryan Singh, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Alipur P. S. Case No. 56 of 2019 giving
rise to Sessions Trial No. 26 of 2020/13 of 2020 registered for
the offences punishable under Section 304 (B) and 34 of the
Indian Penal Code.

As per the prosecution case, it is alleged that the
marriage of the niece of the informant was solemnized with one



Munna Yadav @ Munna Kumar Yadav in the year 2013, just after the marriage the deceased was subjected to torture on account of demand of dowry at the hands of co-accused persons including this petitioner. It is further alleged that on 01.08.2019 in the morning, the informant received an information that all the accused persons had committed murder of his niece.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that general and omnibus allegation has been levelled against all the accused persons including this petitioner, who happens to be unfortunate husband of the deceased. It is next submitted that statement of the independent witnesses have been recorded and they have stated that the deceased was issueless and on account of this reason, she was under depression, which resulted into commission of suicide, it has also come that when *hulla* was raised the witnesses went to the house of the petitioner and thereafter, the dead body was brought out by breaking the door. It is further submitted that in the present case, though charge has been framed but up till now, not even a single prosecution witness has been examined and at present summons has been issued against the prosecution witnesses. It is lastly submitted that this petitioner is in custody since 27.09.2019,



having fair antecedent. It is next submitted that from the post mortem report it appears that no external injuries have been found and thereafter, viscera report was also called for in which it was found that no poison was administered to her and ultimately the doctor opined the cause of death is asphyxia due to strangulation.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner happens to be husband of the deceased and the death has caused within seven years of her marriage in her in-laws house under suspicious circumstances.

Having considered the submissions made on behalf of the parties and taking into account the fact that the statement of the independent witnesses, apart from that this petitioner is in custody since 27.09.2019 and till date after framing of charge, not a single prosecution witness has been examined and there is no likelihood of conclusion of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge XII, Gaya in connection with Alipur P. S. Case No. 56 of 2019 giving rise to Sessions



Trial No. 26 of 2020/13 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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