

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35617 of 2022**

Arising Out of PS. Case No.-113 Year-2021 Thana- KHAJAU LI District- Madhubani

RAM ADHIN YADAV @ RAM AHIN YADAV SON OF LATE
SABADHLAL YADAV RESIDENT OF VILLAGE- LASKARIYA, P.S.-
JAYNAGAR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagandeo Yadav Mr. Ravi Prakash
For the Opposite Party/s	:	Ms. Sangeeta Sharama
For the State	:	Mr. J.N. Thakur, APP.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 03-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as

Mr. J.N. Thakur, learned Additional Public Prosecutor for the

State.

The petitioner seeks regular bail in connection with

Khajauli P.S. Case No. 113 of 2021, registered for the offences

punishable under Sections 304 (B), 302, 201 and 34 of the

Indian Penal Code.

The informant Mithlesh Kumar is brother of deceased

Chandrakala Devi and the petitioner is husband of Chandarkala



Devi. As per averment made in the FIR, Chandrakala Devi was married to petitioner 6-7 years prior to lodging of the FIR. The accused persons, including the petitioners were inflicting torture on her for demand of a motorcycle in dowry. The informant got an information that after committing murder of the deceased Chandrakala Devi, the accused persons had thrown her dead body in Syphon Koshi Bandh.

The learned counsel for the petitioner has submitted that the independent witnesses in the case diary have stated that the deceased consumed poisonous substance herself and there is nothing in the case diary which shows that the petitioner or co-accused persons administered her poisonous substance. The learned counsel for the petitioner has also submitted that the independent witnesses have stated that the petitioner was working in Jaipur and one day prior to the occurrence, he came to his house and some altercation between the couple took place due to which the deceased consumed poisonous substance herself.

On the other hand, Mr. J.N. Thakur, the learned Additional Public Prosecutor has vehemently opposed the prayer for bail and submitted that the witnesses, who are stated to be independent, are the co-villagers of the petitioner. The



petitioner is husband and there is allegation that he along with his family members inflicted torture for non-fulfillment of demand of dowry. The witnesses in paragraph nos. 28, 29 and 30 of the case diary have supported the allegation against the petitioner. The deceased is done to death within seven years of her marriage in otherwise than normal circumstances.

It has come in the material collected during course of investigation that soon before her death, the deceased was subjected to torture for non-fulfillment of demand of dowry. The petitioner is husband and he does not deserve the privileges for regular bail. According, it is rejected.

If the trial is not concluded within one year, the petitioner may renew his prayer for bail.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Mahesh

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