

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36596 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- KRITYANAND NAGAR District-
Purnia

VIKASH KUMAR YADAV SON OF MANOJ KUMAR YADAV R/O-
KHURDA KARVELI, WARD NO. 10, P.S.- KUMAR KHAND, DIST.-
MADHEPURA Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Senior Advocate
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-09-2022 Heard Mr. N.K. Agarwal, learned Senior counsel for
the petitioner and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with K. Nagar P.S. Case No. 201 of 2021 for the offences under
Sections 304(B) 34 and 498 (A) 34 of the Indian Penal Code ³/₄
of the D.P. Act.

As per the FIR, the informant has alleged that Aarti
Kumari was married to the petitioner herein and they were
living in Delhi. As there was demand of dowry, the daughter of
the informant called him and accordingly came returned to the
native place. The further allegation is that on 15.05.2021, his
son-in-law came and stayed peacefully for few days but on
19.05.2021, he along with some accused persons caused the



murder of his daughter with 'mungra'. At the time of her death, she was pregnant by five months. Accordingly, the FIR was lodged.

Learned Senior Counsel submits that the death happened in the petitioner's in-laws house as the petitioner is entitled for benefit of doubt inasmuch as there was no '*hulla*' from the deceased when she was being assaulted.

Learned APP for the State, on the other hand, submits that the petitioner being a husband cannot escape his responsibility from the death of his wife. It is his further submission that charge sheet have already been framed as per the observation of the learned Sessions Judge and 13.06.2022 was fixed for prosecution witnesses.

Considering all the aforesaid facts as also that the charge sheet has already been submitted, the trial has been initiated, this Court is not inclined to grant him privilege of bail which is accordingly rejected.

The learned Trial Court is directed to expedite the trial and conclude the same preferably within a period of one year.

(Rajiv Roy, J)

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