

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39444 of 2022

Arising Out of PS. Case No.-137 Year-2020 Thana- CHAUTHAM District- Khagaria

Kapildeo Yadav @ Paplesh Yadav S/o Subhuklal Yadav R/o village- Nawada,
P.S.- Chautham, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate.

For the Opposite Party/s : Ms. Sharda Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-11-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Chautham P.S. Case No. 137 of 2020 for the offence punishable under Section 304(B) of the Indian Penal Code.

As per the allegation, the informant got an information about the death of his daughter having been killed by the accused persons including the petitioner named in the FIR. It is further alleged that the accused persons had assaulted the deceased and thereafter hanged her to death to the roof with the help of a rope and she was assaulted earlier also for the demand



of dowry.

The main submissions advanced by learned counsel Mr. Binod Kumar for the petitioner are that the petitioner has been languishing in jail since 19.10.2020 and presently facing trial and seven prosecution witnesses have been examined, amongst them five went hostile and there are three children of the petitioner who is sole bread earner of his family. Further submission is that the alleged offence of 304(B) of I.P.C. is not made out and the allegation made in the FIR is general and omnibus.

Learned APP Ms. Sharda Kumari for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the Annexure-2 Series. Though the FIR was registered under section 304(B) of I.P.C but the charge sheet was submitted under section 302 read with Section 34 of I.P.C and for the said offence the petitioner is facing trial, though some witnesses went hostile but some deposed in favour of the prosecution's allegation and petitioner's trial is at final stage and as per the postmortem report the cause of death of the deceased was due to throttling causing asphyxia and C.R. failure and the post-mortem report has been proved by the doctor concerned in his deposition. Con-



sidering the nature of the allegation, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his prayer for bail stands rejected.

As the trial of the petitioner is at final stage, hence the trial court is directed to expedite the trial of the petitioner and take steps to conclude the same in the next 6 months. If the trial of the petitioner is not concluded within the said period then the petitioner may renew his bail prayer.

(Shailendra Singh, J.)

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