

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55443 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- SHERGHATI District- Gaya

Satish Yadav Son Of Saman Yadav Resident Of Village- Gadhiyam, P.S.
Dobhi, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 06-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Sherghati(Dobhi) P.S.Case No. 27 of 2020
for the offences punishable under Sections 304(B)/34 of the
Indian Penal Code.

As per the prosecution case, it is alleged that the
marriage of the daughter of the informant was solemnized
with the petitioner on 29.05.2019 and at the time of
marriage cash, utensils and valuables have been given to
her. It is further alleged that soon after the marriage the



victim daughter of the informant was subjected to torture for demand of motorcycle. On 20.01.2020 when the informant went to the matrimonial house, his daughter told him that her husband and his family members were talking to kill her and they have not allowed her to go with her father. On 21.01.2020 he received call that his daughter was done to death by all the accused persons.

Learned senior counsel for the petitioner submits that there is general and omnibus allegation against all the family members. However, during the course of investigation, it has come that the deceased was suffering from epilepsy and she was pregnant. He next submits that during the post mortem report save and except a bruise below the right ear, no other injuries have been found and as such viscera was sent to Forensic Science Laboratory for its examination. However, it has been pointed out that no metallic, Alkaloidal, Glycosidal, Pesticidal & volatile poison could be detected in the contents sent for examination. He next submits that from the post mortem report as well as FSL report, it appears that the deceased was not subjected to torture rather it is natural death. He last



submits that petitioner is in custody since 29.06.2020 and moreover charges have already been framed.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that deceased was killed by the petitioner along with his family members just after 8 months of marriage and prior to death, there was demand of dowry and on account of non fulfillment of the same, she was brutally assaulted, which fact has also been corroborated by the post mortem report and one bruise has also been found on the temporal region.

Regard being had to the facts that no external and internal injuries have been found in the post mortem examination leading to death of the deceased and even during the course of investigation, no independent witnesses have supported the prosecution case. Petitioner is in custody for more than 2 years having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Sherghati (Dhobhi) P.S.Case No.



27 of 2020 subject to the condition that one of the bailors will be the close relatives 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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