

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62237 of 2021**

Arising Out of PS. Case No.-143 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

=====

Bijendra Yadav @ Bijendra Kumar Yadav @ Birendra Yadav, Son Of Bindey
Yadav Resident Of Village - Laxmipur, P.S. - Sadar, District - Darbhanga.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra
For the Opposite Party/s : Mr. Rabindra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 323, 498(A), 304(B) and 34
of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 11.08.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that the informant alleges that her daughter (deceased) was
married with the petitioner on 17.05.2015. After marriage, the
accused persons including the petitioner started demanding



dowry of Rs. Five lacs on account of non-fulfilment of the dowry demand. It is alleged that the deceased was tortured and compelled her to put pressure upon her parents for fulfilling the demand. It is further alleged that out of the wedlock, a child was born, but the still the accused persons persisted with the demand. It is alleged that prior to the present occurrence, the accused persons had ousted the informant's daughter from her matrimonial home and she stayed at her parental home for a period of about two years and after Panchayat, she came to her matrimonial home. It is further alleged that on 22.03.2020, the informant received information that the accused persons had assaulted her daughter upon which the informant along with her father rushed to the matrimonial home of the deceased, when the deceased narrated the cruelty being meted out to her at the hands of the accused persons for non-fulfilment of the demand of dowry of Rs. Five lacs and also her apprehension that she may be killed, but after some negotiation, the informant went back to her villager leaving her daughter at her matrimonial home and it is alleged that on the next day at 9.00 A.M., the informant received information that the accused persons tried to kill her daughter by tying a noose around her neck and also administered poison and the victim was brought to D.M.C.H.



for medical treatment and thereafter, the Paras Hospital and subsequently referred to the P.M.C.H.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case merely because he is husband of the deceased. It is submitted that the marriage was nearly more than six years old and out of the wedlock, a child was born. Further no F.I.R. came to be instituted though it is alleged in the F.I.R. that the accused persons were demanding dowry and torturing the deceased. It is further submitted that the date of occurrence is 22.03.2020 and thereafter, the victim was taken to hospital and treated at various places and she died on 15.06.2021, though she was on ventilator.

The learned counsel further submits that had the petitioner or his family members participated in the occurrence, then definitely they would not have taken risk of getting the deceased treated at three different hospitals, two of which are government hospital, fearing that if the victim regains consciousness then she will definitely divulge the occurrence. The learned counsel submits that the fact that the deceased was treated and died three months after the occurrence that in itself shows the innocence of the petitioner for the purposes of bail.



The learned counsel further submits that the petitioner also has a child to look after.

Learned A.P.P. opposes the bail application, but is not able to meet the submissions made by the learned counsel for the petitioner.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sadar P. S. Case No. 143 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

