

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21141 of 2022

Arising Out of PS. Case No.-351 Year-2019 Thana- SONO District- Jamui

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BHAGIRATH YADAV SON OF MADHUSUDAN YADAV @ MASUDAN
YADAV R/O VILLAGE- BHELWA MOHANPUR, P.S.- SONO, DISTRICT-
JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The informant alleges that his daughter was married
to the petitioner about four years ago and after marriage, the
accused persons, including the petitioner, were demanding
dowry and were torturing her, further, on 18.11.2019 at 8:00 pm,
the accused persons, including the petitioner, assaulted her
daughter and after sprinkling kerosene oil, put her ablaze on
which she got badly injured and, thereafter, she was taken to a
private hospital at Jamui and from there she was referred to



PMCH, Patna, where during the course of treatment, she died.

Learned counsel for the petitioner submits that the petitioner is in custody since 20.07.2021 and is a person with clean antecedent.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case merely because he is the husband and the death was within seven years of marriage, it is next submitted that it is not that every case, within seven years of marriage, is a dowry death, it is also submitted that the petitioner and the deceased had a quarrel and the deceased, on account of anger, herself tried to set her ablaze, it is next alleged that when petitioner saw that the victim has committed such an act, he tried to douse the fire and in the process got injured and, thereafter, she was taken to a private hospital from where she was referred to PMCH and it was during the course of treatment that she died on 25.11.2019.

Learned counsel for the petitioner thus submits that the conduct of the petitioner should also be taken into consideration that he got injured and even rushed his wife to the hospital for treatment where she died after nearly seven days of the occurrence.

Learned A.P.P. for the State vehemently opposes



the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sono P.S. Case No. 351 of 2019.

Further, in the event, if the learned court below comes to a conclusion that after release the petitioner is trying to delay the trial, the court below shall forthwith cancel his bail bonds after recording reasons and ensure that all coercive steps are taken so that the petitioner is behind bars.

(Satyavrat Verma, J)

HarshPandey/-

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