

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48319 of 2023

Arising Out of PS. Case No.-203 Year-2022 Thana- KALUAHI District- Madhubani

Mukesh Yadav @ Mukesh S/o- Mahendra Yadav Village- Bharatpatti PS-
kaluahi Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Mr. Jitendra Kumar Bharti, learned counsel
for the petitioner and learned APP for the State.

2. The petitioner, who happens to be father-in-law of the deceased is apprehending his arrest in connection with Kaluahi P.S. Case No. 203 of 2022 registered for the offences punishable under Sections 328, 302/34 of the Indian Penal Code.

3. Allegedly, the marriage of the daughter of the informant was solemnized with the son of the petitioner ten years ago. The son-in-law of the informant used to reside outside in order to earn money and in his absence the accused persons including the petitioner used to torture her daughter in various ways. When the informant got information that her daughter is sick, he went to meet her, in the meantime, she



found that the petitioner and his younger son brought her daughter in an unconscious condition in a tempo and they fled away after handing over her daughter.

4. Learned counsel for the petitioner submits that admittedly there is no demand of dowry against the petitioner. In fact, the marriage was solemnized ten years ago and as the husband of the deceased wife was living in Mumbai, she was in depression and in the sadness of the distance of her husband, she consumed some poisonous substance due to which she fell ill. He further submits that during the course of investigation, the statement of the informant was further recorded wherein she has conceded that her daughter had been ill and for that she was also under treatment. During the course of postmortem, no external or internal injuries have been found and in order to ascertain the cause of death, viscera has been sent to the Forensic Science Laboratory. He lastly submits that the deceased died during the course of treatment and during such period she never made any complain against the petitioner.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner



happens to be father-in-law of the deceased and there is no allegation of any sort of torture over demand of dowry, apart from the changed stand of the informant and postmortem report suggesting no mark of violence, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-X, Madhubani in connection with Kaluahi P.S. Case No. 203 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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