

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45046 of 2023**

Arising Out of PS. Case No.-20 Year-2022 Thana- GURUA District- Gaya

Rupesh Yadav @ Rupesh Kumar, S/o Mohan Yadav, R/O Village- Dibhara
Tola, P.S- Gurua, District.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

- 2 27-07-2023 1. Learned counsel for the petitioner is permitted to make necessary correction in the prayer portion of the petition in the course of day.
2. Heard learned counsel for the petitioner and the learned APP for the State.
3. Petitioner seeks regular bail in connection with Gurua P.S. Case No. 20 of 2022 dated 15.01.2022 registered for the offences punishable under Sections 304(B) and 328/34 of the Indian Penal Code.
4. As per prosecution, the informant alleged that this petitioner who happens to be husband of the deceased along with his family members administered the informant's daughter (victim) with poison over non-fulfillment of dowry demand.
5. The main submissions advanced by the learned counsel for the petitioner are that the allegation of committing dowry death of the victim by this petitioner and his family



members by administering poison to the victim is completely false, in fact the victim herself consumed poison and committed suicide as the victim got married with the petitioner without her consent which caused frustration to her and ultimately she committed suicide and there is no specific allegation against this petitioner and he has been languishing in jail since 28.03.2022 and the alleged offences of the FIR are not made out in this case.

6. Learned APP appearing for the State opposes the bail prayer.

7 Heard both the sides and perused the FIR. The victim's marriage with this petitioner took place three years ago from the death of the victim and she died an unnatural death in the house of this petitioner and as per the allegation levelled by the victim's father, this petitioner and his family members always tortured the victim for the demand of motorcycle. Considering the nature of allegation appearing against this petitioner, in my opinion it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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