

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48261 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- TIKAPATTI District- Purnia

Nandlal Yadav, aged about 32 years, Gender-Male, S/o Sukhay Yadav @ Sukho Yadav Resident of Village- Nayanand Gola, P.S.- Tikapatti, District- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the State : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Bhola Prasad, learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Sessions Trial No. 174 of 2022 arising out of Tikapatti P.S. Case No. 43 of 2021 registered for the offences punishable under Sections 304(B)/201/34/120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written report of the informant alleging therein that the marriage of the daughter of the informant was solemnized with the petitioner four years ago and out of the wedlock one girl child was born. It is alleged that just after marriage the deceased was subjected to torture on account of demand of money to purchase land. It is further



alleged that on 26.06.2021 the informant came to learn that his daughter was killed by the petitioner and her dead body has been concealed with the help of the other co-accused persons.

Learned counsel appearing on behalf of the petitioner submits that allegedly the daughter of the informant was killed by gun shot, however, there is no eye witness to the alleged occurrence, apart from the fact that the post-mortem report suggests the time of death elapsed since 3-6 days which also belies the case of the prosecution. He next submits that prior to the institution of this case there had never been any complaint against the conduct of the petitioner and in fact it is a case where the deceased died on account of gunshot injury by some another person but as there was bitter relationship between both the families, therefore, his name has been implicated. He lastly submitted that the petitioner has remained in custody for over a period of more than one year and charges have also been framed and he is ready to give an undertaking that he will fully cooperate in the trial till conclusion.

On the other hand, learned APP for the State vehemently opposed the bail application and submits that the statements of the witnesses have been recorded during course of investigation in paragraph nos. 6, 7, 8 and 9 wherein they have



categorically stated that the petitioner used to torture his wife and on the alleged date of occurrence, some altercation took place between both the husband and wife and thereafter they heard a sound of firing and when they went to the house of the petitioner they found that the wife of the petitioner was in the pool of blood and thereafter the petitioner along with others by keeping the deceased on a motorcycle went away from there.

Regard being had to the submissions made on behalf of the parties and considering the fact that the marriage has been solemnised just four years from the date of occurrence and the petitioner was present in the house at the time of alleged occurrence, apart from the statement of the witnesses who have supported the prosecution case of demand of dowry and torture and further they had seen the petitioner fleeing away with the body of the deceased on a motorcycle, this Court is not persuaded to enlarge the petitioner on bail.

Accordingly, the application stands dismissed.

It is expected that the learned trial court shall take all endeavours to conclude the trial as early as possible.

(Harish Kumar, J)

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