

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58789 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- RAJNAGAR District- Madhubani

Dharmendra Kumar Yadav, S/o- KUSHESHWAR YADAV Paliwar P.S-
Rajnagar Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baidya Nath Thakur, Adv.
For the State	:	Mr. Mukesh Kumar Singh, APP
For the Informant	:	Mr. Gagandeep Yadav, Adv.
		Mr. Ravi Prakash, Adv.
		Mr. Udeshya Kumar Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Rajnagar P.S. Case No. 141 of 2022, lodged on 01.06.2022
under Sections 304(B), 302 & 34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against 6 named accused persons including the present
petitioner and the informant has alleged that the marriage of the
deceased was solemnized with the petitioner on 21.06.2021 and
on 01.06.2022, Ramprit Yadav who is the resident of the village
informed the informant that his sister died and when the
informant entered in the sister's house, then he found that there



was multiple injury on the body of his deceased sister. The allegation of dowry is also made in the FIR.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He also submits that the case diary has been called for by this Hon'ble Court vide order dated 12.09.2023. Counsel further submits that in the case diary particularly paragraph 11 indicates and could not identify the place of occurrence as mentioned in the FIR. Counsel also submits that non-ascertainment of the place of occurrence shall automatically creates doubt about commission of the offence.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 10.11.2022.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the post mortem report, it transpires that the observation made by the brother of the deceased in the FIR is correct, as there were multiple injuries found on the dead body by the doctor who has conducted the post mortem report.

7. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that the



marriage was solemnized in the year 2021 and the death of the informant's sister occurred in the year 2022. He also submits that in the post mortem report, the death has been caused due to asphyxia caused by hanging, but prior to her death, she was brutally assaulted as there were ligature marks on her neck at two places and there were bruise on the skull and neck and also a teeth bite was also present on both breast and private part.

8. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner.

9. Accordingly, the prayer for regular bail of the petitioner in connection with Rajnagar P.S. Case No. 141 of 2022,, pending before the learned Chief Judicial Magistrate, Madhubani is hereby rejected.

10. However, the trial court is directed to expedite the trial.

(Dr. Anshuman, J.)

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