

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67477 of 2022**

Arising Out of PS. Case No.-12 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Sib Kumar @ Shiv Shankar Yadav, S/o Ramudgar Yadav, Resident of village
At and P.O.-Bisanpur, P.S.-Ladania, District- Madhubani

... .. Petitioner

Versus

1. The State of Bihar
2. Hira Lal Yadav Son of Late Raudi Yadav R/o Vill.-Parsahi, P.S.- Ladania,
Distt.- Madhubani

... .. Opposite Parties

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Appearance :

For the Petitioners	:	Mr. N.A. Shamsi, Advocate Mr. Ram Kishun Prasad, Advocate
For the State	:	Mr. Umesh Lal Verma, APP
For the Informant	:	Mr. Manoj Kumar Pandey, Ms. Kumari Pallavi, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the

State.

The petitioner seeks bail in connection with C.R.
No.12 of 2018 (Trial No.1315 of 2022) registered for the
offences punishable under Section 304B of the Indian Penal
Code and Section 3 and 4 of the Dowry Prohibition Act.

The petitioner/accused is named in the first



information report and is in custody since 06.09.2022.

The allegation against the petitioner, who is the husband of the deceased, to cause death of daughter of informant by administering poison due to non-fulfillment of the demand of dowry as raised for cash amounting to Rs.60,000/- and one motorcycle.

It is submitted by learned counsel for the petitioner that occurrence is of 17th June, 2014 for which a complaint case was lodged on 17th July, 2014 where under the directions of Magistrate concerned, the first information report was lodged on 24th March, 2015. It is submitted that petitioner has been falsely implicated with present case, as he denied the demand of money raised by informant after death of her daughter. It is submitted that during the course of investigation, no incriminating material surfaced and, subsequently, police filed final form no.97 of 2017 against all named accused persons, where proceeding of complaint was initiated on protest and subsequent thereof, cognizance was taken against the petitioner. It is submitted that the informant during the course of investigation retracted from his own version and made his statement that his daughter died out of Diarrhoea. It is submitted by learned counsel that informant is not the eye-witness to the occurrence and while



recording his statement on solemn affirmation has stated that her daughter was forced to consume poison for non-fulfillment of dowry is without any basis just to implicate the petitioner when the demand of money was not materialized. It is further submitted that informant was participated in last rites of her daughter/deceased and moreover, cognizance in this matter was taken after seven years of the occurrence.

Mr. Umesh Lal Verma, learned APP being duly assisted by Mr. Manoj Kumar Pandey, learned counsel appearing on behalf of the informant, while opposing the prayer for bail of the petitioner, fairly conceded that after investigation, police submitted final form against the petitioner and rest of the accused persons in want of evidence.

In view of the above-mentioned facts and circumstances and by taking note of the fact as police failed to collect any evidence against petitioner during the course of investigation causing submission of final form against the petitioner, where complaint was lodged after one month of occurrence, the above-named petitioner is directed to 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 Sub Divisional Judicial Magistrate,



Madhubani in connection with C.R. No.12 of 2018 (Trial No.1315 of 2022), subject to the conditions as mentioned under Section 437(3) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

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