

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70746 of 2022

Arising Out of PS. Case No.-8 Year-2020 Thana- LAUKAHI District- Madhubani

Devendra Kumar Yadav, S/O Laxmi Yadav, R/O Village- Koriyahi, P.S-
Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Laukahi
P.S. Case No. 08 of 2020 registered for the offence under
Sections 304B, 201, 120B and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.06.2022.

The allegation against the petitioner is to cause death
of daughter of informant alongwith other co-accused
persons/family members due to non-fulfillment of demand of
dowry as raised for one bullet motorcycle and 50 grams gold.

Learned counsel appearing on behalf of the petitioner



submitted that the allegation as raised for demand dowry is not specific against this petitioner and same is appearing very much general and omnibus which raised out of normal matrimonial discord. It is also submitted that death of deceased was caused due to her illness. It is also submitted that the wife of petitioner died on the way of hospital which is apparent from the statement of witness, namely, Kusum Devi as recorded in para-109 of the case diary. It is also submitted that in want of post mortem report, it cannot be said that the death of wife of the petitioner was homicidal in nature or to suggest that she was subjected to cruelty soon before the occurrence. It is also submitted that charge has already framed in this matter, where petitioner is in custody since more than one year, where almost no progress in trial. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that the petitioner is the husband of deceased.

Considering the facts and circumstances as mentioned above and by taking note of the fact, whether death of wife of the petitioner was unnatural in want of post-mortem report,



accordingly, petitioner, above named, is directed to be released on bail in connection with Laukahi P.S. Case No. 08 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.S.J.-III, Jhanjharpur, Madhubani/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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