

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4186 of 2024

Arising Out of PS. Case No.-204 Year-2023 Thana- KATORIYA District- Banka

Kailash Yadav S/O Congress Yadav R/O Village- Mohpatta (Rikhiyarajdah),
P.S.- Katoriya, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Singh, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 20-07-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Katoriya P.S. Case No. 204 of 2023,
registered for the offence punishable under Sections 304(B)/34
of the Indian Penal Code.

3. Based upon the *fardbeyan* of the informant, the
prosecution alleges that the marriage of the daughter of the
informant was solemnized with the petitioner in the year 2021.
Soon after the marriage, she was subjected to demand of dowry
and on account of non fulfillment of the same, she was allegedly
administered poison. It is also alleged that though the informant
was informed that her daughter was died on account of snake
biting, however, the fact is otherwise, she was killed by



administering poison.

4. Learned Advocate for the petitioner contended that the FIR clearly suggest that after the marriage, the deceased was kept with love and affection. However, when the deceased died, the present FIR has instituted by making allegation of demand of dowry and torture. It is submitted that in fact on the alleged date of occurrence, the family member of the petitioner suspected it was a case of snake biting and the deceased was taken to the Sadar Hospital for the treatment. During the course of treatment, the daughter of the informant died and when the reason for death could not be ascertained, the viscera was sent to the Forensic Science Laboratory, where it was opined that she died on account of consumption of sulphas. There is no mark of injury over the body of the deceased. Moreover, it is the petitioner who informed the informant and his family with regard to the unfortunate incidence. It is also contended that it was a case of suicide. Be that as it may, now the charges have been framed and the petitioner has been incarcerated since 18.06.2023.

5. On the other hand, learned APP for the State as well as the informant vehemently opposes the bail application and submits that the deceased died just after two years of the



marriage on account of administration of sulphas and there is allegation of demand of motorcycle prior to the death and thus, presumption of dowry death can not be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the post-mortem report, which suggest no mark of injury, coupled with the fact that information with regard to incidence was given to the informant and the deceased was taken to the Sadar Hospital by the petitioner and his family members; now the charges have already been framed and the petitioner has been incarcerated over a period of one year, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-III, Banka in connection with Katoriya P.S. Case No. 204 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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