

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44521 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- RAGHUNATHPUR District- Siwan

Pankaj Kumar Yadav Son of Sanjay Yadav Village- Kausar, Ps-
Raghunathpur, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Raghunathpur P.S. Case No. 302 of 2023 instituted for the
offences under Sections 304B, 201, 34 of the Indian Penal
Code.

3. Prosecution case, in short, is that the petitioner
alongwith the family members tortured and killed the deceased
for the non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is the husband of the deceased. Learned counsel for
the petitioner submits that general and omnibus allegation has



been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that there is a delay of three days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that neither the petitioner nor his family members have demanded dowry from the deceased. Learned counsel further submitted that allegation levelled against the petitioner is false and concocted and in fact, the family members of the deceased had participated in the funeral of the deceased. Learned counsel further submitted that, as a matter of fact, deceased was suffering from cold and cough and for which treatment was being made by local doctor but unfortunately, she could not be survived. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.04.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that as per case diary, independent witnesses Lalan Yadav and Bhiru Yadav has supported the case of the prosecution. Learned counsel further submitted that the post-mortem report of the deceased also corroborates the occurrence, and, therefore, the petitioner being the husband of the deceased



does not deserve to be released on bail.

6. Having considered the facts and circumstances of the case and the material placed on record, taking into consideration the nature and gravity of offence coupled with the fact that petitioner is the husband of the deceased, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail to the petitioner, is hereby, rejected with a direction to the learned trial Court to conclude the trial in an expeditious manner.

8. However, if the trial is not concluded within nine months, liberty is granted to the petitioner to renew his prayer for bail before learned trial Court itself and the learned trial Court shall consider and dispose of the same without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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