

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55759 of 2024

Arising Out of PS. Case No.-580 Year-2023 Thana- MADHEPURA District- Madhepura

Uma Shankar Yadav @ Uma Shankar Kumar, S/o Late Shailendra Yadav, R/o
Village Turkahi PS Madhepura (Bharrahi OP) District Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajiv Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP
For the Informant	:	Mr. Deepak Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2024 Heard Mr. Rajiv Kumar Singh, learned counsel for the petitioner and Mr. Abhay Kumar Roy, learned Additional Public Prosecutor for the State. The informant appears through Mr. Deepak Kumar Singh, learned counsel.

2. The petitioner seeks regular bail, who is in custody in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 580 of 2023 registered for the offences punishable under Sections 304B and 302 of the Indian Penal Code.

3. Allegedly, the marriage of the sister of the informant was solemnized with the petitioner nine years ago. Just a day before the occurrence, the informant received an information that the accused persons had threatened his sister to kill and on the next day, he came to know that in the fateful



night, all the accused persons including the petitioner brutally assaulted his sister. On the said information, the informant rushed to the matrimonial home of his sister where the son of his sister aged about eight years narrated the incidence and said that all the co-accused persons caught hold his mother and this petitioner assaulted her by means of dabiya, which proved fatal.

4. Learned counsel for the petitioner contended that the marriage was admittedly solemnized nine years ago and, as such, no case much less under Section 304B IPC is made out. It is further contended that the informant is not an eyewitness to the alleged occurrence and the entire case revolves around the statement of a boy who was only aged about eight years and appears to be a tutored one. It is further contended that be that as it may, now the charges have been framed and the petitioner has been incarcerated since 21.06.2023 having no criminal antecedent.

5. On the other hand, learned counsel for the State as well as learned counsel for the informant vehemently opposed the bail application and submitted that the son of the deceased has specifically narrated the incidence and stated that it is the petitioner, who is none else but his father had caused dabiya blow leading to death of his mother.



6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation of causing dabiya blow, resultantly instantaneous death corroborated by post mortem report and the fact that the petitioner is the husband of the deceased, this Court is not acceded to the prayer for bail of the petitioner. Accordingly, the prayer for bail is rejected.

(Harish Kumar, J)

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