

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31408 of 2025

Arising Out of PS. Case No.-111 Year-2023 Thana- BEN P.S. District- Nalanda

Raj Ballam Yadav @ Raj Ballabh Yadav S/O Siya Sharan Gop Village- Laxmi
Bigha, PS- Ben, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar Sinha

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-08-2025 Heard the parties.

2. Application for grant of bail to the petitioner, who is in custody in connection with Ben P.S. Case No. 111 of 2023, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. The marriage of the daughter of the informant was solemnized with the petitioner nine years ago. The couple was also blessed with two children. However, the accused persons, including the petitioner went on demanding dowry and on account of non fulfillment of the same, she was subjected to constant torture. On 04.08.2023 allegedly all the accused persons, including the petitioner throttled her to death.

4. Learned Advocate for the petitioner contended that admittedly the marriage was solemnized nine years ago and, as such, demand of dowry at this stage does not inspire confidence.



In fact, the deceased, on account of some trifle, committed suicide but later on the informant, on the instigation made by some unscrupulous person, has instituted the FIR by making omnibus allegation. He further submits that this is not a case of dowry death and, as such, only presumption would be enough, rather specific allegation and materials are required for constituting the offence under Section 302 of the Indian Penal Code. He further submitted that out of 15 chargesheet witnesses, altogether seven witnesses have been examined but all of them turned hostile. The petitioner has been incarcerated since 05.08.2023. There is no likelihood of conclusion of the trial in near future.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is none else but the husband of the deceased and, as such he was under the bounden duty to keep his wife well. The deceased died in the matrimonial house of the petitioner and, as such, it is he who should explain the circumstances under which she died.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record as also the facts that out of 15 chargesheet witnesses,



seven have been examined and they have declared hostile as also the period of incarceration of the petitioner and his fair antecedent, let the petitioner, abovenamed, 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 and Sessions Judge-III, Nalanda at Bihar Sharif in connection with S.Tr. No. 179 of 2024 arising out of Ben P.S. Cae No. 111 of 2023, subject to the condition that one of the bailors shall be the own/close family members 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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