

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88850 of 2024

Arising Out of PS. Case No.-588 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

Banti Kumar Yadav @ Banti Kumar @ Banti Yadav Son of Binod Yadav @
Kamo Yadav Resident of Village- Gonapar (Gonawan), P.S- Manpur, District-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending her arrest in connection with Laheri P.S. Case No. 588 of 2023, registered on 20.09.2023 for the offences under Sections 304(B), 498(A) and 34 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant was married to the petitioner. In the matrimonial home the petitioner and other co-accused persons used to demand Rs. 2 lakh and the daughter of the informant was variously tortured. While the daughter of the informant was pregnant she was assaulted by the petitioner and other co-accused persons who drove her out of her matrimonial home.

The daughter of the informant came to the house of the informant from where she was taken for treatment and after surgery a dead child was taken out from her womb, the health of the daughter of the informant deteriorated and she died later on.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is husband of the deceased and he has been falsely implicated in this case. When the daughter of the informant became pregnant at her request she came to her parental home. After a bout of pain, she was taken to hospital and the petitioner and his family joined her in the hospital but during course of treatment due to excessive bleeding she died. After death of the daughter of the informant, the informant and his family members demanded illegal gratification from the petitioner and the co-accused persons and as they refused to pay the illegal demand, they have been made accused with a false and concocted story. Prior to death of the deceased neither the informant nor the deceased made any complain to the police but after the death of the deceased, the present case has been lodged after deliberation and pre-meditation. In post mortem the doctor opined that the cause of death of the deceased was internal bleeding due to hemorrhagic shock. It is also evident that prior to her death the daughter of

the informant was staying in her parental home and she died in course of treatment. In either circumstances there is no application of Section 304(B) of the I.P.C. against the petitioner. Learned counsel further submits that co-accused person has been granted anticipatory bail by this Court vide order dated 16.04.2024 passed in Cr. Miscellaneous No. 8698 of 2024 and the petitioner has got no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that there is specific allegation against the petitioner and others that they caused dowry death of the daughter of the informant.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that petitioner is husband of the deceased and the death has been caused after delivery of a dead child and is stated to be due to internal bleeding, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Nalanda at Biharsharif in

connection with Laheri P.S. Case No. 588 of 2023, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Anuradha/-

U		T	
---	--	---	--