

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21593 of 2015

Arising Out of PS.Case No. -1463 Year- 2013 Thana -COMPLAINT CASE District- JAMUI

- =====
1. Anil Yadav son of Late Sahdeo Yadav.
 2. Mishri Yadav son of Sharwan Yadav.
 3. Kishun Yadav son of Sharwan Yadav.
 4. Baldeo Yadav son of Sharwan Yadav. All are resident of village Naiyadih, P.S. Chakai, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gyani Pd. Yadav @ Gyani Mahto S/o- Kaleshwar Yadav @ Kaleshwar Mahto Vill- Ramsahiya, P.S.- Jasidihi Dist- Deoghar (Jharkhand)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. M.K.Nirala(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-05-2015 Heard learned counsels for the petitioners and the State.

The petitioner no. 1 being husband of the victim and petitioner nos. 2 to 4 being uncles of petitioner no. 1 are apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 304B and 201/34 of the Indian Penal Code.

Initially the police case was registered with accusation that the daughter of the informant was killed after six years of marriage for non fulfillment of dowry

demands and dead body was disposed of. On conclusion of investigation the police did not send up the petitioners for trial and the final form was accepted but vide order dated 17.3.2015 the learned Judicial Magistrate Ist Class, Jamui after examining the complainant and three witnesses took cognizance under sections 304B and 201/34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioners that the accusation was not found true against the petitioners and the impugned order does not reflect discussion of any evidence which persuaded the learned court below to take cognizance. The victim died after six years of marriage. On conclusion of investigation the petitioners were not sent up for trial and the order of cognizance has been passed after about ten years of the institution of the case.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Jamui in connection with Complaint Case



No. 1463C of 2013 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners will be accepted on filing of an affidavit by the petitioner before the learned court below that they will regularly cooperate in the investigation. The said affidavit will be transmitted by the learned court below to the concerned I.O. Non cooperation in investigation by the petitioners will give liberty to prosecution to file application for cancellation of bail bond by learned court below.

(Dinesh Kumar Singh, J)

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