

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55522 of 2015

Arising Out of PS.Case No. -354 Year- 2015 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. MALKHAN YADAV @ MALAKH YADAV son of Murat Yadav
2. Radhika Devi wife of Murat Yadav both are Resident of Harpur Puraina,
P.S.- Bhairoganj, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. B.N. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-02-2016 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. representing the
State.

Petitioners seek bail in connection with Bagha
(Bhairoganj) P.S. Case No. 354 of 2015 registered for the offences
punishable under Sections 304(B), 120(B), 201/34 of the Indian
Penal Code.

Allegedly, Rita Devi was married to Santosh Yadav
about 6 and ½ years ago and out of the wedlock there is a son but
after the death of the father of the informant, the petitioners and
other five accused started torturing her for dowry and ultimately
they killed her and made the dead body traceless and on enquiry
they told him that his sister had fled away any-where. During

investigation, Murat Yadav, the father-in-law of the deceased confessing his guilt, has stated that he killed her and after cutting the dead body into pieces, threw the same in the water of Dabra river.

Submission is of false implication and that there is no legal and cogent material against the petitioners, in the confessional statement of co-accused also there is no hands of the petitioners for committing the crime and further the police has recorded the confessional statement of the petitioners also and from those statement also it does not reveal that petitioners were involved in committing the crime and, as such, the petitioners who are suffering in custody since 03.09.2015, deserve sympathetic consideration.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail.

In the facts and circumstances stated above, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned A.C.J.M., Bagaha, West Champaran arising out of Bagaha (Bhairoganj) P.S. Case No. 354 of 2015 subject to the conditions that one of the bailors must be near relative and another

having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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