

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15520 of 2016

Arising Out of PS.Case No. -152 Year- 2015 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

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1. Rakesh Yadav
2. Dayanand Yadav,
Both Sons of Triweni Yadav, Resident of Village -Imadpur, P.S. -
Khudaganj, District - Nalanda. Petitioner

Versus

1. The State of Bihar Opposite Party

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with

Criminal Miscellaneous No.20063 of 2016

Arising Out of PS.Case No. -152 Year- 2015 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

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1. KUSUM DEVI @ KUSHMI DEVI Wife of Triweni Yadav
2. Triweni Yadav Son of Late Mahabir Yadav
Both Resident of Village- Imadpur, P.S.- Khudaganj, District- Nalanda.....
.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar
For the Opposite Party/s : Mr. Shailendra Kumar-I(App)
For the informant : Mrs. Sheela Sharma, Advocate
Miss Smriti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-05-2016 Above noted applications have arisen out of one occurrence i.e. Khudaganj P.S. Case No. 152 of 2015 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and as such they have been heard together and are being disposed of by this common order.

Kavita Devi the sister of the informant was married to Raj Nandan Yadav and the informant got information that his sister

has been killed and her dead body has been made traceless. Then the informant went there and found the allegation true and lodged the case.

Submission is of false implication and that the petitioners of Cr. Misc. 15520 of 2016 are dewars of deceased whereas the petitioners of Cr. Misc. No. 20063 of 2016 are the mother-in-law and father-in-law of the deceased, there is no specific allegation against them, they are living separately since long, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that during investigation it has come that the dead body was buried in the house at first and when foul smell started coming out then the dead body was taken away at a place to burn the same. At the place of occurrence newly filled up ditch with foul smell was found in the house and witnesses Lalti Devi and Ram Brichh Yadav have supported the same.

In the facts and circumstances stated above, considering that there is no specific allegation against the petitioners who are dewars and the mother-in-law and father-in-law of the deceased and further chargesheet has already been submitted and there is no

chance of tampering with the prosecution evidence, the petitioners above named of both the applications are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Sanjay Singh, J. M. Ist Class, Hilsa (Nalanda) in connection with Khudaganj P.S. Case No. 152 of 2015, subject to the conditions that one of the bailors must be a 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.

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(Jitendra Mohan Sharma, J)

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