

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 48649 of 2016

Arising out of P.S. Case No. - 199 Year - 2016 Thana - ROSERA District - SAMASTIPUR

- =====
1. Kokai Yadav @ Bhuvneshwari Yadav, Son of Late Tirput Yadav
 2. Shail Devi, Wife of Kokai Yadav
 3. Surendra Yadav, Son of Kokai Yadav, All residents of Village -
Dhardha Police Station - Rosera, District - Samastipur

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Jay Prakash Sharma, Advocate

For the Opposite Party : Mr. Ramchandra Sahani, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 10-02-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 364 of the Indian Penal Code.

Petitioners are parents and brother of the husband of Puja Devi. Matrimonial dispute, i.e., the criminal case under Section 498A Indian Penal Code and a case for decree of divorce, was going on between the parties, wherein after initial settlement the victim went to her matrimonial house, thereafter she is missing and allegation is that she has been done to death.

The case diary reveals that some of the witnesses have supported the allegation of torture to the victim and some



others have stated that the petitioners were separate from the victim and her husband. The victim is still traceless.

Hence, I am not inclined to grant anticipatory bail to the petitioner no. 1 Kokai Yadav @ Bhuvneshwari Yadav and petitioner no. 3 Surendra Yadav.

Accordingly, the prayer for bail on behalf of the petitioner no. 1 and 3 is refused.

Taking into special consideration that the petitioner no. 2 Shail Devi is a female, let the petitioner no. 2, above named, in the event of her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera/Successor Court in connection with Rosera Police Station Case No. 199 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, this application is disposed of.

(Birendra Kumar, J)

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