

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40681 of 2017

Arising Out of PS. Case No. -109 Year- 2017 Thana -JANKINAGAR District- PURNIA

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1. Binod Kumar, Son of Yugeshwar Prasad Yadav,
2. Inod Kumar, Son of Yugeshwar Prasad Yadav,
3. Santosh Kumar, Son of Yugeshwar Prasad Yadav,
4. Yogeshwar Prasad Yadav, son of Late Shiv Prasad Yadav,
All resident of Village- Naulakhi, P.S.- Jankinagar, District- Purnia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bikram Deo Singh, Advocate
Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Ajay Kumar -2, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

4 17-10-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in connection
with Jankinagar P.S. case no. 109 of 2017 for the offence under
Sections 304(B), 201 and 120(B) of the Indian Penal Code.

Mr. Bikramdeo Singh, counsel appearing on behalf
of the petitioners submits that in the instant case there is allegation
against the husband of the deceased about the demand of dowry
and torture. There is no specific case or any kind of allegation of
torture by these petitioners.

Since the husband of the deceased has already
surrendered in this case on 19.06.2017 and these petitioners, who



are father and brothers of the husband, against whom there is no specific allegation of any torture i.e. physical or mental and as such the petitioners deserve the privilege of anticipatory bail. He submits that petitioner no.4 is aged about 65 years and against whom there is absolutely no allegation of torture of the deceased. He submits that considering the advance age, about 65 years, petitioner no.4 deserves sympathetic consideration.

Considering the fact that there is no specific allegation against petitioner no.4, petitioner no.4, named above, in the event of arrest or surrender before the court below within one month from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the amount each to the satisfaction of Shri Dibya Prakash, Judicial Magistrate, 1st Class, Purnea in connection with Jankinagar P.S. case no. 109 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the petitioner nos. 1, 2 and 3 are concerned, their cases stand on different footing than petitioner no.4 and accordingly, their prayer for grant of anticipatory bail is disposed of with liberty to them that if they surrender before the court below and pray for regular bail, the court below will consider the



same and disposed of on the same day without being prejudiced by the refusal of anticipatory bail by this Court.

With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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