

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15711 of 2017

Arising Out of PS.Case No. -80 Year- 2016 Thana -TRIVENIGANJ District- SUPAUL

- =====
1. Rajesh Yadav,
 2. Suresh Kumar @ Suresh Yadav, Both are sons of Late Satyanarain Yadav, resident of Village- Amha, Tola- Jaraila, Police Station- Triveniganj, District- Supaul.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arun, Advocate

For the Opposite Party : Mr. Sri Aditya Narayan Singh 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-05-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners seek bail in connection with Triveniganj P.S Case No. 80 of 2016 registered for the offence punishable under Section 304B/34 of the Indian Penal Code.

Allegedly, Ranju Devi the daughter of the informant was married to the petitioner no.1 five years ago and out of the wedlock there are two daughters. Due to non-fulfillment of demand of dowry, the petitioners and other in-laws administered poison (Thaimat) to her and killed.

Submission is of false implication and that informant after realizing the truth has filed petition in the court below. As a



matter of fact, the wife of the petitioner no.1 was short tempered lady and due to petty dispute she committed suicide. In the postmortem examination no strangulation injury has been found. The learned court below has wrongly mentioned in the impugned order that the signature of the informant on compromise petition does not tally from the signature of the informant on written statement. F.S.L report has not been received and chargesheet has been submitted, the petitioners are suffering in custody since 06.08.2016 and 28.12.2016 respectively and, as such, the petitioners deserve sympathetic consideration.

Learned A.P.P. opposes the prayer of bail by submitting that during investigation the witnesses Rajendra Yadav, Jai Krishna Yadav and Mishri Lal Yadav have supported the prosecution version.

In the facts and circumstances stated above, considering that the **petitioner no.1 (Rajesh Yadav)** is the husband and, as such, **I am not inclined to enlarge him on bail and accordingly, his such prayer stands rejected.**

So far **petitioner no.2 (Suresh Kumar @ Suresh Yadav)** is concerned, he is Dewar and, as such, **he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand)** with two sureties of like amount each to the



satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with Triveniganj P.S. Case No. 80 of 2016, 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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