

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61953 of 2017

Arising Out of PS.Case No. -121 Year- 2016 Thana -DURAULI District- SIWAN

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1. Jai Ram Yadav, son of Surendra Yadav, resident of Village- Done, Police
Station- Darauli, District- Siwan Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Raghav Prasad, Adv.

For the Opposite Party : Mrs. Veena Kumari Jaiswal, APP 147

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-02-2018 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner seeks anticipatory bail in connection
with Darauli P.S. Case No. 121 of 2016 for the offences under
Sections 304B, 201 and 34 of the Indian Penal Code.

The allegation of the prosecution is that the accused
persons had conspired together and set on fire the victim-girl
resulting in her death subsequently and, thereafter, they had tried
to dispose her body by cremating the dead body.

The learned counsel for the petitioner has submitted
that the first information report has been filed falsely after a delay
of about 11 days. It is further submitted that the victim-girl had
died on account of her clothes catching fire when she had gone to
boil the milk for her child and had died on account of a freak
accident. The said fact is also substantiated from the dying



declaration of the victim-girl. Lastly, it is submitted that the petitioner is ready to join investigation and be subjected to any condition which may be imposed by this Court.

Per contra, the learned counsel for the informant has submitted that the reason for delaying lodging the first information report is that the family members of the victim-girl were moving from one place to another as well as from one hospital to another in search of the victim-girl, but, they could not find the victim-girl. It is, further, submitted that the so called dying declaration has got no evidentiary value inasmuch as the same has not been recorded before the Magistrate.

Having regard to the facts and circumstances of the case, though I deem it fit to admit the petitioner to the privilege of anticipatory bail, but, the same would be with certain conditions.

Accordingly, it is directed that the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Darauli P.S. Case No. 121 of 2016** to the satisfaction of **Additional Chief Judicial Magistrate, III, Siwan**, or successor Court, subject to the condition laid down under Section 438(2) of



the Criminal Procedure Code.

It is directed that the petitioner would cooperate with the investigation and would be present at the place he is directed to be present by the investigating agency for interrogation and in case the prosecution/investigating agency finds that the petitioner is not cooperating with the investigation, the prosecution would be free to approach this Court for cancellation of bail.

It is, further directed that the petitioner would mark his attendance at 10.00 A.M. on every Monday of each week before the concerned Police Station and in case of default of two consecutive dates, the present privilege of anticipatory bail would stand cancelled automatically.

(Mohit Kumar Shah, J)

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