

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47504 of 2018

Arising Out of PS. Case No.-16 Year-2016 Thana- GHOSWARI District- Patna

Gullu Yadav S/o Sahdev Yadav, R/o Gosaigawn, P.S.- Ghshwari, District-
Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agarwal, Sr. Adv. with
Mr. Manoj Kumar Pandey, Adv.
For the Opposite Party : Smt Renu Kumari, APP 160

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-10-2018 Heard Mr. N.K. Agrawal, learned Senior Counsel,

assisted by Mr. Manoj Kumar Pandey, the learned counsel for

the petitioner and the learned counsel appearing for the State.

The petitioner had earlier moved for bail which was
rejected on 20.11.2017 in Cr. Misc. No. 43237 of 2017. The
petitioner is languishing in judicial custody since 27.08.2016 in
connection with Ghoswari P.S. Case No. 16 of 2016 for the
offences alleged under Sections 304B, 201 and 34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter, Khushbu Devi, was married to the petitioner
in the year 2014, but, on account of torture and demand of
dowry she was killed and body disposed off.

It has been submitted by the learned counsel for the
petitioner that he is innocent, just because he is husband he has



been falsely implicated. He submits that the witnesses have stated that the deceased consumed poison out of anger because she had suspicion that the petitioner was involved with some other lady. He, further, submits that uptil now the case has not been committed although the petitioner is languishing in judicial custody since more than two years.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

In this regard, a report was called for from the Court of the learned Sub Judge IV-cum-Additional Chief Judicial Magistrate, Barh, Patna, who has reported that investigation in relation to other co-accused is still pending although charge sheet has been submitted against the petitioner on 24.10.2016 itself and the record could not be split, as such, there is no further progress in the said case.

However, in the earlier rejection order, the petitioner was given a liberty to renew his prayer for bail after framing of charge.

Since, charges have not yet been framed and the petitioner is in judicial custody since more than two years, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties



of the like amount each in connection with Ghoswari P.S. Case No. 16 of 2016 to the satisfaction of Sri Deepak Kumar, learned Judicial Magistrate, 1st Class, Barh, Patna, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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