

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43613 of 2018

Arising Out of PS. Case No.-178 Year-2017 Thana- MAHARAJGANJ District- Siwan

Nagendra Yadav @ Balister Yadav Son of Jangi Yadav @ Jangilal Yadav
Resident of village- Hanhwa, Police Station- Maharajganj, District- Siwan
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

6 28-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Maharajganj P.S. Case No. 178 of 2017 registered for the offence punishable under Sections 304 (B), 201 and 34 of the Indian Penal Code.

Allegation against petitioner and other co-accused is of assaulting and torturing deceased for non-fulfillment of demand of dowry and thereafter killing and cremating her.

It has been submitted on behalf of the petitioner that he is the husband of deceased and has been falsely implicated in this case on suspicion. The incident is of 28/29.09.2017 but FIR was instituted on 02.10.2017. There is general and omnibus allegation against all the accused persons including petitioner and no specific allegation of any overt act has been alleged against petitioner. Other co-accused has been granted bail vide



order dated 27.09.2018 passed in Cr. Misc. No. 12768 of 2018 and order dated 10.04.2018 passed in Cr. Misc. No. 20064 of 2018. Petitioner has no criminal antecedent and he is in custody since 23.11.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Siwan, in connection with Maharajganj P.S. Case No. 178 of 2017 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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