

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40809 of 2018

Arising Out of PS.Case No. -230 Year- 2016 Thana -FATEHPUR District- GAYA

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1. Bachu Prasad Yadav, S/o Late Jitan Yadav,
2. Nawlesh Yadav, S/o Bachu Prasad Yadav,
Both residents of Vill.- Bherwa, P.S.- Fatehpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate.

For the Opposite Party/s : Smt. Gulnar Begam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 10-08-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Fatehpur P.S. Case No. 230 of 2016** instituted for the offence under Sections 304(B), 328 and 201/34 of the Indian Penal Code.

Counsel for the petitioners submits that petitioners are not named in the written report.

In the written report it is alleged that daughter of the informant was married with petitioner No. 2. She was tortured in her Sasural for demand of Passion Pro Motorcycle and on non-fulfillment of said demand she was poisoned to death in the night of 19.8.2016. The dead body of the deceased has been disposed off by sprinkling k. oil without informing the informant.



Case diary has been received.

Learned A.P.P. after looking into the case diary has submitted that during investigation the name of petitioners have come. Petitioner No. 1 is father-in-law and petitioner No. 2 is husband of the deceased. Petitioner No. 1 is not named in the written report.

In such circumstances, prayer for anticipatory bail of the petitioner No. 1 is allowed. In the event of surrender/arrest of the petitioner No. 1, named above, within six weeks from today, in connection with **Fatehpur P.S. Case No. 230 of 2016**, he shall be released on anticipatory bail on 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-X, Gaya**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if 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.

So far petitioner No. 2 is concerned, there is specific allegation against him of committing torture to the daughter of the informant (since deceased) for demand of Passon Pro Motorcycle and after marriage, she was done to death in her *sasural* and her dead body was disposed off without giving information to her parents. Therefore, this Court is not inclined to grant anticipatory bail to petitioner No. 2.

Prayer for anticipatory bail of the petitioner No. 2 stands rejected.

(Sanjay Priya, J)

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