

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61908 of 2017

Arising Out of PS. Case No.-401 Year-2017 Thana- BARBIGHA District- Sheikhpura

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1. Kanchan Devi, Wife of Munna Yadav,
 2. Bachchi Devi, Wife of Bachchu Yadav, null
 3. Munna Yadav, Son of Bachchu Yadav,
 4. Karu Yadav, Son of Bachchu Yadav,
 5. Bachchu Yadav, Son of Late Prasadi Yadav, All residents of Village- Akbarbigha, P.S.- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Opposite Party/s : Mr. RAM NARESH RAY

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 08-02-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Barbigha P.S. Case No. 401 of 2017 registered for the offence punishable under Sections 304B/34/201 of the Indian Penal Code.

The allegation in the present case is that the daughter of the informant was married with one Suraj Yadav about six years back and subsequently the accused persons had started torturing the daughter of the informant on account of non-fulfillment of the demand of dowry. It has been further alleged that the adjacent villagers reported that the said Suraj Yadav has illicit



relationship with his own sister-in-law and on account of the said fact, he used to torture the daughter of the informant. Subsequently, on 23.08.2017, the informant got information that his daughter is untraceable and even after search was made by the informant and others, his daughter has not been traced till date and it appears that the accused persons have killed the daughter and disappeared her dead body.

The learned senior counsel for the petitioners submits that the petitioners herein who are father-in-law, sister-in-law and brother-in-law of the daughter of the informant, are separate by metes and bounds and have got no relation with the husband of the victim lady. It is further submitted that the victim lady was of unsound mind and was also having affair with somebody in the village and the possibility of her fleeing away with her paramour, cannot be ruled out. It is further submitted that the petitioners are ready to aid the investigating agency and ensure that the husband of the victim is caught and put behind the bar. The petitioners are also ready to join investigation and they are having a clean antecedent.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, in the event of their arrest or



surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Barbigha P.S. Case No. 401 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that grant of the privilege of anticipatory bail to the petitioners herein would not be construed as a reflection on the merits of the case of the husband of the victim lady and he would not derive any benefit out of the present order.

It is further directed that the petitioners shall join the investigation and cooperate with the Investigation Agency during the investigation, failing which the prosecution shall be free to approach this Court for cancellation of the privilege of anticipatory bail being granted to the petitioners.

(Mohit Kumar Shah, J)

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