

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6231 of 2019

Arising Out of PS. Case No.-29 Year-2018 Thana- KATORIYA District- Banka *

1. Rupesh Yadav son of late Kailash Yadav
2. Pairya Devi @ Pairiya Devi wife of Late Kailash Yadav, both resident of Village – Mahkara, P.S. Belhar, District Banka
3. Bijay Yadav son of Lakhan Yadav, resident of village- Amhara, P.S. Belhar, District Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 01-04-2019 This is an application for grant of anticipatory bail in connection with Katoria P.S. Case No. 29 of 2018, disclosing offences under Sections 302/34 of the Indian Penal Code.

Allegation as per F.I.R. is that one Rajesh Yadav had gone to his Sasural for Bidai of his wife Rekha Devi, but the informant did not agree for Bidai and told that after Holi she will go, on which he became angry and thereafter again on the next day, he along with the petitioners and others came and enquired about the son of the informant and at that time only Rekha Devi was present at house, she replied that Mantu Kumar is playing cricket in the school ground and thereafter the son of the informant traceless and after four days, his dead-body was



found near Rani Jharna and there was severe injuries on the body of the deceased.

Submission of learned counsel for the petitioners is that they have falsely been implicated in this case only on the basis of suspicion and no incriminating materials are against these petitioners except that they had gone to the house of the informant and enquired about the deceased.

Heard learned A.P.P. also, who opposed that prayer for anticipatory bail of the petitioner stating that wife of Rajesh Yadav disclosed that he had come for her Bidai and thereafter again on the next day, he along with the petitioners came and asked about the deceased and till then the deceased was traceless and thereafter his dead-body was found.

Having heard both sides, in view of the facts and circumstances of the case as stated above, so far petitioner no.1 & 3 are concerned, I am not inclined to grant anticipatory bail to them, rather they should surrender and make prayer for regular bail, which will be considered on its own merit, without being prejudice by order of this Court, if possible, to be disposed of on the same day.

So far petitioner no.2 is concerned, considering the fact that she is a lady, this application is allowed. Let petitioner



no.2, above named, in the event of her arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Banka, in connection with Katoria P.S. Case No. 29 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

Amjad/-

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