

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6304 of 2019

Arising Out of PS. Case No.-327 Year-2018 Thana- JAGDISHPUR District- Bhojpur

1. JAGDISH YADAV @ JAGARNATH YADAV, age 55 years, male, son of Ram Ashish Yadav Resident of Village-Mahatati, P.S.-Jagdishpur, District-Bhojpur
 2. Kamlesh Yadav, age 27 years, male, son of Jagdish Yadav @ Jagarnath Yadav Resident of Village-Mahatati, P.S.-Jagdishpur, District- Bhojpur
- Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Singh, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, being the father and brother of the husband of the daughter of the informant are languishing in custody since 7.10.2018 and 12.11.2018 respectively in a case registered for the offence punishable under Sections 302/201/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 04.09.2018 submitted by Rajballabh Yadav to the Station House Officer, Jagdishpur Police Station is to the effect that the informant's daughter Sunita Devi was married with one Jagdish Yadav ten years prior to lodging of the present case, subsequently, they were blessed with two



children, but the son-in-law of the informant died. Thereafter, the daughter of the informant was remarried with the younger brother of the deceased husband of the informant, namely Nand Kishore Yadav. Subsequently, co-accused Nand Kishore Yadav along with his family members started pressurizing the informant and the victim to perform his younger daughter's marriage with his younger brother, which was declined by the informant and the victim. However, the informant married his younger daughter to some other person. Whereafter, the accused persons used to assault and torture, the daughter of the informant. Ultimately, on 03.09.2018, the accused persons killed the daughter of the informant. However, the informant was informed by someone about the killing of his daughter, then the informant along with some villagers reached at the in-laws house of his daughter and found that the accused persons are trying to dispose of the dead body of the victim in the night. When it was protested, then the accused persons left the dead body of the victim and escaped from the scene.

It is submitted by learned counsel for the petitioners that the petitioners deny the factum of second marriage of the victim with co-accused Nand Kishore Yadav. The accusation is omnibus and general against the entire in-law family members



of the victim, including the petitioners. It is further submitted that even assuming the accusation to be true, the thrust of accusation is against co-accused Nand Kishore Yadav, the alleged second husband of the victim. In fact the victim died due to falling from the roof of the house. It is further submitted that similarly situated co-accused Lakshmina Devi has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 16.01.2019, passed in Criminal Miscellaneous No. 2199 of 2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the petitioners are named in the FIR with accusation of killing the daughter of the informant.

Considering the thrust of accusation against the alleged second husband of the daughter of the informant, similarly situated co-accused have been granted anticipatory bail and the investigation has already been concluded, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on bail, on furnishing bail



bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-XI, Bhojpur, Ara in connection with Jagdishpur P.S. Case No. 327 of 2018.

(Dinesh Kumar Singh, J)

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