

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68324 of 2019

Arising Out of PS. Case No.-107 Year-2018 Thana- BHAPTIAHI District- Supaul

1. TARANAND YADAV @ TARANAND KUMAR Son of Narayan Yadav Resident of Village- Laukaha, Ward No.02, Police Station- Bhaptiyahi, District- Supaul.
2. Gita Devi W/o Narayan Yadav Resident of Village- Laukaha, Ward No.02, Police Station- Bhaptiyahi, District- Supaul.
3. Parwati Kumari D/o Narayan Yadav Resident of Village- Laukaha, Ward No.02, Police Station- Bhaptiyahi, District- Supaul.
4. Sifait Yadav Son of Late Rasik Lal Yadav Resident of Village- Laukaha, Ward No.02, Police Station- Bhaptiyahi, District- Supaul.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 27-11-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bhaptiyahi P.S. Case No. 107 of 2018 for the offence punishable under Sections 304B and 201/34 of the Indian Penal Code and under Section 3/4 of Dowry Prohibition Act.

Petitioner No.1 is husband of the deceased, whereas petitioner No. 2 is the mother-in-law of the deceased. Petitioner No.3 is sister of petitioner No.1, whereas petitioner No.4 is uncle of the husband of the deceased.

Learned counsel appearing on behalf of the petitioners submits that the father-in-law of the deceased was



arrested and was put on trial. The Court of learned Additional District and Sessions Judge-III, Supaul, has acquitted father-in-law of the deceased by judgment dated 03.07.2019 delivered in S.T. Case No. 47 of 2019/C.I.S. No.47 of 2019.

He has further submitted that the family members of the husband of the deceased have been unnecessarily implicated and has contended that since father-in-law of the deceased has been acquitted by the trial Court, no purpose would be served, if these petitioners are taken into custody at this stage.

Considering the facts and circumstances, I am of the view that since the petitioner No. 1, who is the husband of the deceased, does not deserve privilege of anticipatory bail, he being the main accused and evaded his arrest for all these years, resulting into a split trial, in which his father has been acquitted. His prayer for anticipatory bail is rejected.

Petitioner No.1, above named, is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.



So far as petitioners No. 2 to 4 are concerned, since their implication appears to be because of their relationship with the husband of the deceased, their application for grant of anticipatory bail is allowed.

Let the petitioners No. 2 to 4, above named, in the event of their arrest/surrender within six weeks from today in the Court below, 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 the learned C.J.M., Supaul, in Bhaptiyahi P.S. Case No. 107 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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