

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78755 of 2019

Arising Out of PS. Case No.-185 Year-2018 Thana- MANSI District- Khagaria

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1. SUNIL YADAV Son of Late Janardan Yadav Resident of Village- Saidpur, P.S.- Mansi, District- Khagaria.
 2. Kalpana Devi S/o Sunil Yadav Resident of Village- Saidpur, P.S.- Mansi, District- Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Krishna Pd. Singh, Sr. Advocate
		Mr. Bhaskar Shankar, Advocate
for the O.P. No. 2	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-12-2019 Heard learned Senior Counsel for the petitioners
and learned Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Mansi P.S. Case No. 185 of 2018 registered under Sections 498(A), 302, 201, 363/34 of the Indian Penal Code, pending in the court of learned C.J.M., Khagaria.

Learned Senior Counsel for the petitioners submits that petitioner no. 1 is brother-in-law (Dewar) of the deceased and petitioner no. 2 is wife of petitioner no. 1. It is submitted that they are separate in mess and business and property and they have got no connection with the daily affairs of the family of the deceased and her husband. It is



further submitted that on perusal of the first information report, it would appear that the informant claims that on information received through one Rahul Kumar of the village, he reached the Sasural of his daughter to save her from torture. It is alleged that when he reached there on 10.09.2018 at 7.00 A.M., he found that eight accused persons took away the daughter of the informant in one White Colour Scorpio in the name of her treatment, the informant allegedly followed the said Scorpio but he could not trace the same and later on he was told that his daughter has been murdered.

The informant alleged that his son-in-law Bablu Yadav was demanding a sum of Rs. 5 Lakhs as dowry from beginning and he had solemnized second marriage in the year 2016. It is also alleged that the daughter of Rubi Kumari is untraceable.

Learned Senior Counsel submits that the marriage between the brother of the petitioner no. 1 and the daughter of the informant took place about 15-16 years ago. It is submitted that the manner in which it has been alleged that eight accused persons went on Scorpio in presence of the



informant and then the informant failed to trace them as also that the informant is unable to give even the registration number of the Scorpio, it clearly demonstrates that the case has been lodged after death of the daughter of the informant and the entire family members, kith and kin of the husband of the deceased have been made accused. Learned Senior Counsel also submits that the husband of the deceased is in custody since 28.11.2018.

Learned counsel for the informant and learned A.P.P. for the State have opposed the prayer for anticipatory bail of the petitioners. It is submitted that these petitioners being family members are equally involved in the alleged occurrence.

Considering the facts and circumstances of the case wherein it appears that the the marriage between the daughter of the informant and one Bablu Yadav (brother of petitioner no. 1) had been solemnized about 15-16 years ago, and so far as these two petitioners are concerned, they are said to be the brother and wife of the brother of said Bablu Yadav who are living separately in mess and property as also that save and except the general and



omnibus allegations that they were also one amongst the eight accused who had gone on the white Scorpio but even registration number of the Scorpio has not been disclosed and the statement of the informant saying that in his presence all the eight accused had boarded on the Scorpio and fled away seems to be highly improbable and at this stage when the investigation as regards these petitioners is still going on and these petitioners have not been chargesheeted, let the above-named petitioners, in the event of their arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria, in connection with Mansi P.S. Case No. 185/2018, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to



dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

Further condition that petitioners shall make themselves available for interrogation as and when required by the police authorities.

(Rajeev Ranjan Prasad, J)

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