

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8272 of 2020

Arising Out of PS. Case No.-293 Year-2019 Thana- BIRAUL District- Darbhanga

1. VISHUNDEO YADAV Son of Ram Chandra Yadav Resident of Village- Nasauta, P.S.- Biraul, District- Darbhanga.
2. Sushila Devi Wife of Vishundeo Yadav Resident of Village- Nasauta, P.S.- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shama Sinha

For the Opposite Party/s : Mr.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2020 The petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioners, Ms. Shama Sinha and Ms. Sangeeta Sharma, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with G.R. No. 775 of 2019 arising out of Biraul P.S. Case No. 293 of 2019 registered for the offence punishable under Sections 498(A) and 302/34 of the Indian Penal Code.

The case of the prosecution in brief is that the informant



had solemnized the marriage of his daughter about 12 years back with one Ranjeet Yadav as per Hindu Rites and Customs, whereafter the accused persons used to demand dowry as also used to torture her on account of non-fulfillment of the demand for dowry. It is further alleged that on 10.11.2019 at about 4:30 PM., the informant received information that his daughter has been killed by her in-laws, whereafter, he along with other co-villagers had gone to the in-laws house of his daughter and found his daughter lying dead in her in-law's house and there was a black mark on her neck.

The learned counsel for the petitioners has submitted that the petitioners are aged father-in-law and mother-in-law of the deceased victim lady, staying separately and have got no role to play in the alleged crime and if at all anyone is having any complicity in the matter, it might be the husband of the deceased victim lady. It is further submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. Lastly, it is submitted that the allegation levelled by the prosecution upon the accused persons are not corroborated by the postmortem report inasmuch as no external injury has been found on the dead body of the deceased and the fact is that the victim, being of unsound mind,



has committed suicide.

I have heard the learned counsel for the parties, considered the submissions made by them and perused the materials available in the case diary.

Prima facie, this Court finds that there is minuscule evidence as against the petitioners herein of having committed the alleged crime and moreover, paragraph no. 33 of the case diary would show that several relatives of the deceased victim lady have been falsely arrayed as accused by the informant and the police, upon investigation, has not found them to be having any complicity in the alleged crime. Thus, prima facie, as far as the petitioners are concerned, this Court finds that benefit of doubt can be given to them for the purposes of grant of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four 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 ACJM, Darbhanga in connection with G.R. No. 775 of 2019 arising out of Biraul P.S.Case No. 293 of 2019, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is needless to state that the grant of bail to the petitioners herein shall not be construed to be having any precedential value as far as consideration of the case of the husband of the deceased victim lady for grant of bail is concerned.

(Mohit Kumar Shah, J)

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