

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23146 of 2020

Arising Out of PS. Case No.-276 Year-2019 Thana- ASHTHAWAN District- Nalanda

Kailash Yadav son of Late Jaipal Yadav, resident of village Dumrawan, P.S.
Asthawan, District – Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar
For the Opposite Party/s : Mr.Lalan Kumar,APP
Mr.Pramod Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-11-2020 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant
through video conferencing.

The petitioner seeks bail in Asthawan P.S. Case No.
276 of 2019, registered for the offence under Sections
498(A)/302/34 of the Indian Penal Code.

As per the prosecution case, the sister of the
informant, who was married with son of petitioner namely
Kamlesh Yadav 13-14 years ago. It has been alleged that this
petitioner with all family members demanded Rs. 2,00,000/-
(two lacs), as dowry, and due to non-fulfillment of the same, all
of them started torturing informant's sister and later on, on 22-
23/12/2019 (night), they killed informant's sister by pressing her



neck. It is also alleged that informant's brother-in-law (*Bahnoi*) had illicit relation with a girl, which was objected by informant's sister (deceased).

It is submitted on behalf of petitioner that petitioner, who happens to be father-in-law of the deceased, has got no concern with the affairs of the deceased and her husband. Petitioner was living separately. There is general and omnibus allegation and only on suspicion, the petitioner has been made accused in this case. It is further submitted that from perusal of FIR itself, it is apparent that deceased has committed suicide due to suspicion of illicit relation of her husband. Petitioner is aged about 63 years and he is in custody since 24-12-2019. Chargesheet has already been submitted in this case.

However, learned A.P.P. and learned counsel for the informant have vehemently opposed the bail application. It is submitted by learned counsel for the informant that husband of the deceased is still absconding and as such, the bail application of petitioner may be rejected only on this ground.

However, considering the aforesaid facts and circumstances and the fact that specific allegation is against co-accused Kamlesh Yadav (husband of the deceased) and petitioner is father-in-law of the deceased and he is in custody



since 24-12-2019, the bail application is allowed.

Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Vidyanand Sagar, learned Judicial Magistrate 1st Class, Biharsharif, Nalanda in connection with Asthawan P.S. Case No. 276 of 2019 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

anay/-

U		T	
---	--	---	--

