

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86309 of 2019

Arising Out of PS. Case No.-163 Year-2019 Thana- SARMERA District- Nalanda

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1. KANHAIYA YADAV @ KANHAIYA LAL, S/o Shivnandan Yadav R/o village- Narsinghpur, P.S.- Sarmera, District- Nalanda
 2. Bindeshwari Devi W/o Kanhaiya Yadav R/o village- Narsinghpur, P.S.- Sarmera, District- Nalanda
 3. Gaurav Kumar S/o Kanhaiya Yadav R/o village- Narsinghpur, P.S.- Sarmera, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

6 02-11-2020 Heard Mr. Raj Kishore Prasad, learned counsel

for the petitioners and Mr. Anil Chandra, learned counsel

for the informant.

The State is represented by Mr. Nand Kishore

Prasad, learned APP.

The petitioners seek bail in anticipation of their



arrest in connection with Sarmera P. S. Case No. 163 of 2019 dated 04.10.2019 (G. R. No. 5511 of 2019), instituted for the offences under Sections 302, 201 and 34 of the Indian Penal Code.

The deceased was married to Mohan Yadav in the year 2008 and out of the wedlock four children were born.

The learned counsel for the petitioners submits that this is an evidence of the fact that the spouses were leading a happy married life.

The petitioner nos. 1 and 2 are the parents-in-law of the deceased whereas the petitioner no. 3 is the younger brother of the husband of the deceased.

The husband of the deceased is in custody.

The learned counsel for the informant has opposed anticipatory bail on the ground that the informant was not even allowed to see the dead-body of the deceased and the same was cremated surreptitiously.



One of the accused persons of this case, namely, the married sister-in-law of the deceased has been granted anticipatory bail by a Bench of this Court.

Considering the fact that the husband of the deceased is in custody, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Sarmera P. S. Case No. 163 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

The petitioners shall, however, participate in the investigation if it is still continuing and shall also participate in the trial if the case goes to trial. Any effort



of the petitioners in delaying the trial or absenting themselves from the trial proceedings would render their anticipatory bail liable to be cancelled.

(Ashutosh Kumar, J)

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