

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17669 of 2021

Arising Out of PS. Case No.-136 Year-2019 Thana- IMAMGANJ District- Gaya

UPENDER YADAV SON OF MUGGESHWAR YADAV VILLAGE
BALSOT, P.O. P.S. IMAMGANJ, DISTRICT GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey

For the Opposite Party/s : Ms.Asha Devi

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 16-11-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Petitioner seeks regular bail in connection with
Imamganj P.S. Case No. 136 of 2019 registered for offences
punishable under Section 304(B)/34 of the Indian Penal Code.

One Nandeo Yadav, father of the deceased has given
written statement before the S.H.O., Imamganj Police Station
that his daughter was married with the petitioner and due to
non-fulfillment of demand of dowry, his daughter was subjected
to physical and mental harassment. It has further been alleged
that the petitioner along with other co-accused killed the
daughter of the informant in the night of 15.08.2019.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is husband of the deceased. On the



date, when the alleged occurrence took place i.e. on 15.08.2019 he was in Delhi for earning livelihood. It is further submitted that once he received information, he made an application before the proprietor of the company namely V S Bilasa & Sonz on 16.08.2019 itself and to that extent he has annexed a certificate duly certified by the proprietor of the company Shri Sanjay Kumar Bansal dated 18.02.2020. Learned counsel appearing on behalf of the petitioner has further drawn the attention of this Court on Annexure-3 wherein he has brought on record the detail of boarding date 16.08.2019 that he was not present on date when the alleged incident took place.

Learned A.P.P., however, opposes the prayer for bail of the petitioner.

Having considered the facts and circumstances of the case prima-facie it appears to this Court that on 16.08.2019, the day when the wife of the petitioner died, the petitioner was in Delhi. The said fact is corroborated from Annexure-2 and 3 to the petition. On perusal of paragraph no. 46 of the case diary also it appears that the petitioner used to work in Delhi and his two children are now being taken care of by his in-laws, I am of the opinion that the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sherghati, Gaya in connection with Imamganj P.S. Case No. 136 of 2019 subject to the following conditions:

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the Court below shall be at liberty to cancel the bail bonds of the petitioner.

(b) Both the bailors shall be the resident of territorial jurisdiction of the learned Court below.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Purnendu Singh, J)

Niraj/-

U			
---	--	--	--

