

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34564 of 2020

Arising Out of PS Case No.-67 Year-2020 Thana- ANDER District- Siwan

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Lalan Yadav, aged about 58 years, Gender-Male, Son of Late Chhatipal Yadav
@ Chhatival, Resident of Village- Mashudaha, PS Ander, District- Siwan,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate
For the State : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Prashant Kumar, learned counsel for the petitioner and Dr. Kumar Uday Pratap, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Ander PS Case No. 67 of 2020 dated 23.05.2020, instituted under Sections 304B/34 of the Indian Penal Code.

4. The allegation against the petitioner and other family members is of strangulating the daughter of the informant due to non-fulfillment of demand of Bullet motorbike.

5. Learned counsel for the petitioner submitted that he is father-in-law and has no role in the death. It was submitted that



marriage took place in February, 2020 and death occurred on 22.05.2020 i.e., within a gap of three months and, thus, it cannot be believed that if at all, the petitioner and his family members were asking for dowry, they would have been so impatient so as to kill her in such a short span of three months. It was submitted that it is natural that they would have waited for some time for fulfillment of their demand. Learned counsel submitted that after postmortem, the viscera has been sent for forensic examination as cause of death has not been ascertained, though some injury mark has been found on the right side of the neck of the deceased. Learned counsel submitted that there is delay in forwarding the FIR to the Magistrate as it has been sent after 11 days on 03.06.2020, though the written application is dated 23.05.2020. It was submitted that the petitioner does not have any criminal antecedent.

6. Learned APP submitted that there is allegation of demand of dowry and killing the daughter of the informant against the petitioner and his family members.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon



furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-IX, Siwan in Ander PS Case No. 67 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall co-operate with the police/prosecution and the Court. Failure to co-operate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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