

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37202 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- PANDARAK District- Patna

1. Diler Yadav @ Diler Prasad Son of Ramanandan Yadav @ Ramnandan Gope Resident of Village-Chintamanchak, P.S.-Pandarak, District-Patna.
2. Rajan Devi Wife of Diler Yadav @ Diler Prasad Resident of Village-Chintamanchak, P.S.-Pandarak, District-Patna.

... .. Petitioners

Versus

THE STATE OF BIHAR.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-03-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Let it be recorded that this application has become
infructuous as regards the petitioner no. 1 as he has earlier been
arrested.

The petitioner no. 2 in the present case is seeking pre-
arrest bail in connection with Pandarak P.S. Case No. 22 of 2020
registered for the offences punishable under Sections 304B,
201/34 of the Indian Penal Code.

Learned counsel for the petitioner no. 2 submits that
the informant had married her daughter (deceased) to one
Birendra Kumar five years ago. After the marriage, in-laws of
the deceased used to demand a bike, gold chain and Rs. 1 lakh
cash and on non-fulfillment of the same they used to torture her.



It is alleged that on 17.02.2020, the daughter of the informant was murdered by the in-laws by administering poison.

Learned counsel for the petitioner no. 2 submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Learned counsel further submits that in course of investigation no material has come against petitioner no. 2 and no witness has come to allege any act of torture against the petitioner no. 2. It is submitted that petitioner no. 2 has got no criminal antecedent.

Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail of the petitioner no. 2.

Having regard to the facts and circumstances of the case, wherein the petitioner no. 2 is said to be the wife of the petitioner no. 1 and gotni of the deceased and in course of investigation no material has come against her, the independent witness has stated in course of investigation that she is residing with her husband at Gujarat and no witness has turned up to allege any act of torture against the petitioner no. 2, the witness has rather stated that deceased had consumed poison after a quarrel between the deceased and her mother-in-law, in the nature of the materials available before this Court, this Court directs that in case of her arrest or surrender within a period of



four weeks from today in connection with Pandarak P.S. Case No. 22 of 2020 the petitioner no. 2 shall be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Barh, Patna subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands disposed of accordingly.

Let the case diary be taken on the record.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

