

**0IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3522 of 2021**

Arising Out of PS. Case No.-208 Year-2020 Thana- KHIJARSARAI District- Gaya

1. Kaushlendra Yadav Son of Rampravesh Prasad Resident of Village - Naudiha Mahsi, Police Station - Khizersarai, District - Gaya.
2. Ram Pravesh Prasad @ Rampravesh Prasad Son of Binda Yadav Resident of Village - Naudiha Mahsi, Police Station - Khizersarai, District - Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi,Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 24-07-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Nand Kishore Prasad, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Khizersarai P.S. Case No. 208 of 2020 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code. He is in custody since 15.07.2020.

As per the prosecution story, the daughter of the informant was killed by six named accused persons because of the non-fulfillment of the demand of dowry. The informant has alleged that the accused persons were demanding one bullet



vehicle and some money and this fact was reported to him by his daughter over mobile.

Learned counsel for the petitioners submits that so far as these two petitioners are concerned, they are the brother-in-law (bhaisur) and father-in-law of the deceased. They have been made accused only because they happen to be the kith and kin of the husband of the deceased. It is submitted that the petitioners are separate in mess and business and they have no connection with the family of the deceased. The deceased had two children and she was living with her husband happily.

Learned APP for the State has opposed the prayer for regular bail of the petitioners. It is submitted that the inquest report and the post mortem report of the deceased are showing peeling of skin and superficial burns altogether 8 injuries out of which only two injuries were post-mortem the rest injuries were anti-mortem have been found on the body. The cause of death is mostly likely by live electric wire.

As regards any materials against these two petitioners, no specific material has been pointed out against these two petitioners. It is submitted that there are general and omnibus allegations that all accused persons have killed the deceased.

Considering the facts and circumstances of the case,



the petitioners being brother-in-law and father-in-law of the deceased who are said to be living separately, the husband is in judicial custody as reported to this Court by learned counsel for the petitioners, these two petitioners are in custody for over one year, investigation against them is complete but the trial is not likely to take place in near future, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IV, Gaya in connection with Khizersarai P.S. Case No. 208 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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 or



tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(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'.

