

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41041 of 2020

Arising Out of PS. Case No.-316 Year-2018 Thana- JHAJHA District- Jamui

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1. Manoj Yadav S/O Mathura Yadav Resident of Village Nauakura P.S Jhajha And District Jamui
 2. Mathura Yadav S/O Baldeo Yadav Resident of Village Nauakura P.S Jhajha And District Jamui
 3. Mantu Yadav S/O Mathura Yadav Resident of Village Nauakura P.S Jhajha And District Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-04-2021 Heard learned counsel for the petitioners and
learned A.P.P for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Jhajha P.S. Case no. 316 of 2018 registered under sections 304B, 302, 120B, 201, 498A and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the F.I.R., the daughter of the informant was married to the petitioner no.1 and they had two daughters. It is stated that the accused persons tortured his daughter for nonfulfilment of demand of dowry. It is stated that



on 21.3.2013 information was received about his daughter's death. The informant is convinced that his daughter was tortured and the accused persons conspired to kill her.

It is submitted by learned counsel for the petitioners that a complaint case being Complaint Case no.425C of 2013 was filed in the Court of Chief Judicial Magistrate, Jamui in the year 2013 and on the basis of the same, the instant F.I.R. was registered in August, 2018. It is further submitted that from the materials that has transpired in course of investigation, it would be evident that the allegations in the F.I.R are false and incorrect. The witnesses have supported the fact that it was as a result of some altercation between the daughter of the informant and her mother-in-law that she went to the railway line along with her children and committed suicide. The body was taken by the railway and police personnel for postmortem followed by her cremation wherein the informant and others also participated. The petitioners who are the husband, father-in-law and brother-in-law (dewar) of the deceased are in custody since 19.9.2020 and charge sheet has been submitted in the case. They undertake to cooperate in the trial.

The application for bail is opposed by learned A.P.P. for the State.



Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners together with the material that has transpired in course of investigation and the period in custody, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Jhajha P.S. Case no. 316 of 2018 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui.

In the facts and circumstances of the case it is directed that the petitioners shall cooperate in the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioners, the learned trial Court may proceed to cancel the bail bond of the petitioners.

(Partha Sarthy, J)

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