

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1190 of 2021

Arising Out of PS. Case No.-63 Year-2017 Thana- MAHKAR District- Gaya

=====

Ram Subhash Yadav @ Subhash Yadav @ Birbal Son of Rameshwar Yadav
Resident of Village- Baidh Bigaha, Police Station- Mahkar And District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

3 09-04-2021 Heard the parties in virtual Court.

The petitioner is languishing in custody for the offence punishable under Section 304B/34 of the Indian Penal Code.

According to F.I.R., the informant got information on 21.04.2017 that the in-laws of his grand-daughter assaulted her and thereafter burnt her by pouring kerosene oil. The informant went to the matrimonial house of his grand-daughter on 24.04.2017. He found his grand-daughter in burnt condition and she disclosed that the in-laws have burnt her. Thereafter, the informant and others took her for treatment where she died on 26.04.2017.



Learned counsel for the petitioner submits that the F.I.R. was lodged after death of the victim, whereas sufficient opportunity was there to inform about the occurrence to the competent authority. Though the offence is not compoundable, however when the informant came to know about the real fact, a compromise petition has been filed before the court below and after compromise of the case, fate of the trial is well known. Petitioner is in custody since 03.10.2020. Investigation of the case is already complete. Petitioner is ready to cooperate with the trial. There is doubt that the victim was physically and mentally in a fit condition to make statement in absence of any certification by doctor of such fitness.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Mahkar P.S. Case No. 63 of 2017, with following conditions:

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

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to



cancel the bail bond of the petitioner.

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

(Birendra Kumar, J)

mantreshwar/-

U		T	
---	--	---	--

