

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7418 of 2021**

Arising Out of PS. Case No.-114 Year-2020 Thana- LAUKAHA District- Madhubani

1. CHANDESHWARI DEVI Wife of LATE RAMA YADAV Resident of Village - Malin, P.S. - Laukaha (Lalmaniya), District - Modhubani.
2. Bajendra Yadav S/o Late Rama Yadav Resident of Village - Malin, P.S. - Laukaha (Lalmaniya), District - Modhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Subhash Kr Jha, Ranjan Kr Jha, Advocates
For the State	:	Mr Mohammad Sufyan, APP
For the Informant	:	Mr Shivnandan Bharti, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 03-08-2021 This case has been taken up today for consideration through Video Conferencing.

Heard learned counsel for the petitioners, informant and the learned APP for the State.

The petitioners seek bail in Laukaha (Lalmaniya) Police Station (for brevity, *PS*) Case No 114 of 2020 instituted for the offence punishable under Sections 302/34 of Indian Penal Code.

It is alleged that the petitioners have electrocuted the victim.

Learned counsel for the petitioners submits that the allegations are prima facie unbelievable. The submission is of



false implication as the victim's mother was under the impression that these petitioners were arranging second marriage of her husband. The said material has come in the course of investigation. It is further submitted that the victim's mother has been residing at her *Maike* since few years and, therefore, based on suspicion, she has implicated the instant petitioners. It is further submitted that the petitioners are in custody now since 09.05.2020 and the husband (father of the victim) has since been allowed bail by this Court by order dated 29.07.2021 passed in Cr Misc No 18395 of 2021.

Learned APP and learned counsel for the informant, on the other hand, have drawn attention of the Court towards paragraphs 9 and 18 of case diary. They submit that in paragraph 18 of case diary, some local villagers have stated that four days prior to the occurrence, petitioner No 2 had thrown the victim beneath a bullock cart but the victim had fortunately survived. It is further submitted that the material in the case diary shows that there was a dispute regarding legitimacy of the victim between the informant and her husband.

Considering the rival submissions, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Jhanjharpur in Laukaha (Lalmaniya) PS Case No 114 of 2020 (GR No 576 of 2020) dated 19.04.2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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