

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12748 of 2022

Arising Out of PS. Case No.-431 Year-2021 Thana- MADHEPURA District- Madhepura

1. Radha Devi, W/o Late Chandeshwari Yadav, Resident of Village- Gasai Tola Ward No.- 5, P.S.- and District- Madhepura.
2. Subhash Yadav, Son of Late Chandeshwari Yadav, Resident of Village- Gasai Tola Ward No.-5, P.S.- and District- Madhepura.
3. Vibhash Yadav @ Bibhash Yadav, S/o Late Chandeshwari Yadav, Resident of Village- Kamdarganj, P.S.- Silao, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 21-12-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Madhepura P.S. Case No. 431 of 2021 registered
for the alleged offences under Sections 498(A), 120(B) and 304(B)
of the Indian Penal Code.

As per prosecution case, petitioners along with the co-
accused husband of the daughter of the informant killed her by
administering poison. They have been demanding a motorcycle
and Rs. 50,000/- in cash. The petitioners are the mother-in-law and
brothers-in-law of the deceased daughter of the informant,



respectively.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have nothing to do either with the deceased or the husband of the deceased. The petitioners have been living separately from the deceased. There is no eye-witness to the alleged occurrence and during investigation no cogent material has been collected by the police. Learned counsel further submits that no external injury had been found on the body of the deceased daughter of the informant and this fact is clear from the post-mortem report. Opinion has been reserved regarding cause of death. But absence of injury falsifies the prosecution case about daughter of the informant being tortured and assaulted by the petitioners and other co-accused persons. Charge-sheet has been submitted in this case and the petitioners are in custody since 30.10.2021.

Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioners that they along with co-accused husband have administered poison to the daughter of the informant on account of non-fulfillment of their demand of dowry. Learned APP further submits that the co-accused husband is yet to be apprehended in this case.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact



that the petitioners are stated to be in-laws of the deceased daughter of the informant and allegations are general and non-specific and further considering the period of custody of the petitioners along with submission of charge-sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 431 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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