

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21101 of 2022

Arising Out of PS. Case No.-39 Year-2020 Thana- ASARGANJ District- Munger

1. Yogendra Yadav, aged about 84 years, male, son of Late Khari Yadav Resident of Village/Muhalla - Makwa, P.S. - Asarganj, District - Munger.
2. Fulan Devi, aged about 69 years (Female) wife of Yogendra Yadav Resident of Village/Muhalla - Makwa, P.S. - Asarganj, District - Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjiv Kumar Singh, Adv.
For the Opposite Party : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-04-2022 Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioners seek bail in *Asarganj PS* Case No. 39 of 2020, instituted for the offence punishable under Sections 302/201/34 of the Indian Penal Code.

The instant petitioners are in custody since 27-06-2020.

Petitioners' counsel submits that the petitioners are father-in-law and mother-in-law of the victim respectively. Based on



suspicion the prosecution has been launched only because the petitioners happened to be in-laws of the deceased. The case is under Section 302 of the Indian Penal Code because the occurrence had taken place nearly 10 years after the marriage. It is submitted that petitioner No.1 is 84 years old and petitioner No.2 is 69 years old. The prayer for bail of the petitioners was earlier rejected under order dated 02.03.2021 passed in Cr. Misc. no. 39271 of 2020.

The learned APP representing the State has opposed the prayer for bail. It is submitted that in the investigation some material has come to suggest that the petitioners were also assaulting the victim from time to time on account of non-fulfillment of demand for dowry.

Considering the rival submissions, the period of custody, advanced age of the petitioners as also the clean antecedent of the petitioners and having regard to the relationship as father-in-law and mother-in-law of the victim, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned Sessions Judge-Munger, in connection with *Asarganj P.S. Case No. 39 of 2020*, Sessions Trial No. 91 of 2021 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.

(Madhuresh Prasad, J)

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