

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37291 of 2021

Arising Out of PS. Case No.-452 Year-2019 Thana- BARACHATTI District- Gaya

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GANESH YADAV S/O TENI YADAV R/o village- Parthra, P.S.- Mohanpur,
District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Barachatti (Mohanpur) P.S. Case No. 452 of 2019 registered for the offence under Sections 302, 201/34 of the Indian Penal Code.

The daughter of the informant has been killed on account of non-fulfillment of demand of dowry.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner happens to be husband of the deceased and there is general and omnibus allegation against the



petitioner. He also submits that during course of investigation, it has been found that petitioner was not present at the place of occurrence rather he was in Jaipur. The petitioner has never assaulted the deceased nor he has demanded any dowry from the deceased in any manner. The petitioner is rotting in judicial custody since 25.04.2020.

Learned A.P.P. for the State has fairly submits that during course of investigation, it has come in paragraph-7 of the case dairy, which is statement of brother of the deceased, namely, Upendra Yadav, that the death of his sister occurred to due her illness.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Shergati, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 452 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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