

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33791 of 2022

Arising Out of PS. Case No.-542 Year-2019 Thana- DHANARUA District- Patna

Rajballam Yadav @ Rajballabh Yadav, aged about 75 years, male, Son of Late Siya Saran Yadav Resident of Village - Madahipar, P.S.- Dhanarua, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioner and learned APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Dhanarua P.S. Case No. 542 of 2019 registered under Section 304B/34 of the Indian Penal Code.

The father of the victim (deceased) has lodged the FIR making allegations that his daughter's dead body was recovered from the petitioner, when he had gone to perform the last rite with a view to destroy the evidence of cruelty, which



has been found on the body of the victim in the post-mortem report.

Learned counsel for the petitioner submits that being father-in-law, the petitioner has remained in custody since 31.12.2019, more than two and a half years. The petitioner's implication is only on the fact that he had allegedly gone to perform the last rite of the victim. Implication is based on suspicion.

Learned APP has opposed the prayer. It is submitted that on merits, the petitioner's prayer was rejected earlier in Cr. Misc No. 12792/2020 under the order dated 03.06.2020.

Considering the fact that petitioner has remained in custody for more than 2.5 years, and age of the petitioner, which as per the cause-title of the present petition is about 75 years as also the submission of petitioner's counsel that the victim's husband is in custody, this Court is inclined to allow the prayer.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.D.J. Masaurhi in Dhanarua P.S. Case No. 542 of 2019, subject to the following conditions:-



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

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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