

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31487 of 2022

Arising Out of PS. Case No.-164 Year-2021 Thana- KAKO District- Jehanabad

1. RAMDEO YADAV Son of Sriram Yadav Resident of village - Nisarpura,
P.S.- Kako, District - Jehanabad.
2. Vimal Yadav Son of Dularchand Yadav Resident of village - Tikuliarpur,
P.S.- Kako, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35571 of 2022

Arising Out of PS. Case No.-164 Year-2021 Thana- KAKO District- Jehanabad

1. AYODHYA YADAV SON OF CHHOTAN YADAV R/O- VILL-
TIKULIYARPUR, P.S.- KAKO, DIST.- JEHANABAD
2. RAKESH KUMAR SON OF AYODHYA YADAV R/O- VILL-
TIKULIYARPUR, P.S.- KAKO, DIST.- JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31487 of 2022)

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

(In CRIMINAL MISCELLANEOUS No. 35571 of 2022)

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-12-2022 Above noted both the applications have arisen out of

one occurrence i.e. Kako P.S. Case No. 164 of 2021 (Bhelwar

O.P.) registered for the offences punishable under Sections 302,



34 of the Indian Penal Code and as such, they have been heard together and are being disposed of by this common order.

As per F.I.R., informant states that her son was married to the daughter of petitioner no. 1 (in Cr.Misc. No. 35571/2022), but due to some dispute between her son and daughter-in-law, the family members of her daughter-in-law came and wanted to take back her daughter-in-law, which was objected by her son, as a result of which, they started scuffling and assaulting her son. The informant further states that accused persons took away informant's son at Narega Bhawan and killed him by strangulation.

Petitioners no. 1 & 2 (in Cr.Misc. No. 31487/2022) are maternal uncle and uncle of informant's daughter-in-law, whereas petitioners no. 1 & 2 (in Cr.Misc. No. 35571/2022) are father and brother of informant's daughter-in-law. Petitioners have got no concern with the family affairs of couple. Informant is not eye-witness of the occurrence. Though, as per F.I.R., 15 persons, including these petitioners, are alleged to have scuffled and committed assault with son of informant, but as per post-mortem report, no external injury has been found on the person of deceased. As a matter of fact, the matrimonial relationship of deceased and his wife was strained from very inception. The



deceased did not want to live with his wife, as his marriage was solemnized against his wishes and on the alleged date, a dispute arose between them and out of frustration and anger, he (deceased) committed suicide. As per *post-mortem* report, the cause of death is *cardio-respiratory failure due to asphyxia due to hanging*. It is further submitted that as per F.I.R., son of the informant was killed in Narega Bhawan, whereas in the inquest report, the dead-body was found at the eastern door of the house of deceased. There is no specif allegation against any of the petitioners of causing assault upon the deceased. Petitioners have got clean antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts and circumstances, both the aforesaid anticipatory bail petition is allowed.

Let the above named petitioners in both the aforesaid cases, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Kako P.S. Case No. 164 of 2021 (Bhelwar O.P.), subject to condition as laid down



under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

anay/-

U		T	
---	--	---	--

