

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39836 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- NARHATT District- Nawada

BIRJU YADAV Son of Late Nanaku Yadav Resident of village - Babhnaur,
P.S.- Narhat, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Narhat
P.S. Case No. 152 of 2021 registered for the offences punishable
under Sections 304(B), 201/34 of the Indian Penal Code.

As per prosecution case, informant's daughter has
been murdered by the petitioner and others for non-fulfillment
of demand of dowry. It is further alleged that the petitioner
alongwith other co-accused persons tried to conceal the
evidences by burning the dead-body of the deceased.

Learned counsel for the petitioner submits that
petitioner is in custody since 16.05.2022. Petitioner bears no



criminal antecedent. Learned counsel further submits that petitioner is innocent and has falsely been implicated in the present case, being father-in-law of deceased. Petitioner has no concern with the family affairs of the deceased. Learned counsel further submits that petitioner is living separately and his mess is also separate. Petitioner has no concern with the family affairs of the deceased and her husband. There is no specific allegation against the petitioner. Allegation against the petitioner is general and omnibus in nature.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is father-in-law of the deceased, separate in mess and he has no concern with the family affairs of the deceased as submitted, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawada in connection with Narhat P.S. Case No. 152 of 2021, subject to



following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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