

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42946 of 2022**

Arising Out of PS. Case No.-277 Year-2021 Thana- BARAUNI District- Begusarai

1. SHIV NANDAN YADAV Son of Late Banarashi Yadav Resident of Village - Bariyahi, P.s.- Barauni (Chakia OP), Distt.- Begusarai.
2. Nilesh Kumar Yadav @ Nilesh Kumar @ Nilesh Yadav Son of Shiv Nandan Yadav Resident of Village - Bariyahi, P.s.- Barauni (Chakia OP), Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sandip Kumar Gautam  
For the Opposite Party/s : Mr.Ajit Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      22-11-2022                      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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Barauni P.S. Case No. 277/2021 registered for the offences punishable under Sections 304(B), 201, 120(B) of the Indian Penal Code.

As per prosecution case, the petitioners and others under conspiracy concertedly committed the murder of the informant's daughter due to non-fulfillment of demand of dowry and burnt the dead body.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. The petitioner no.1 being father-in-law and petitioner no.2 being brother-in-law (Dewar) of the deceased and they have falsely been implicated in this case. The petitioners have no concern with the deceased and they are residing separately from the deceased. The petitioners are languishing in custody since 20.05.2022 and bear no criminal antecedent. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, petitioners have no concern with the family affairs of the deceased and they are residing separately, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence as submitted and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection



with Barauni P.S. Case No. 277/2021, 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) Petitioners 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 petitioners tamper 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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