

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54500 of 2021

Arising Out of PS. Case No.-138 Year-2019 Thana- PALIGANJ District- Patna

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Kundan Yadav @ Kundan Kumar, Son of Parmeshwar Yadav, Resident Of
Village- Rampur Nagwan, P.S- Paliganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parashuram Singh, Advocate

For the Opposite Party/s : Mrs. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 30-08-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Parashuram Singh, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with S.Tr. No. 27 of 2021, arising out of Paliganj
P.S. Case No. 138 of 2019, registered for the offences
punishable under Sections 498(A), 304(B)/201/34 of the Indian
Penal Code.

As per the prosecution case, it is alleged that the
marriage of the daughter of the informant was solemnized with
the petitioner in the year 2017. After the marriage, the daughter
of the informant was leading happy conjugal life with the



petitioner and blessed with one daughter. It is further alleged that soon thereafter the victim was subjected to torture for demand of dowry at the hands of the petitioner and other family members. Panchyati also took place, but the same went in vain. It is further alleged that the daughter of the informant was done to death by all the accused persons including the petitioner.

Learned counsel appearing on behalf of the petitioner submits that though the petitioner is unfortunate husband of the deceased, however, there is no specific allegation of any demand of dowry or torture. It is further submitted that after commitment of the case, the charges have been framed and thereafter the informant, who happens to be the father of the deceased as well as her brother have been examined, however, both of them have not supported the prosecution case and they have categorically stated that the deceased was living happily in her house and at no point of time she was subjected to demand of dowry and torture. Learned counsel also drawn the attention of this Court towards Annexure-2 that while granting bail to Parmeshwar Yadav and Usha Devi, both of them have deposited Rs.5 lakh in favour of their grand-daughter and there provisional bail have been confirmed. It is lastly submitted that now both the parties have compromised the matter and they do not want



to proceed any further.

On the other hand, learned APP for the State opposes the bail application and submits that just after two years of the marriage, the deceased was done to death by the petitioner and his family members and further it appears that the witnesses have gain over.

Having regard to the submissions made on behalf of the parties and considering the deposition of the informant as well as brother of the deceased, who have not supported the prosecution case and moreover the petitioner is in custody since 17.03.2020, having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Danapur, Patna in connection with Sessions Trial No. 27 of 2021, arising out of Paliganj P.S. Case No. 138 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and



every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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