

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55362 of 2021

Arising Out of PS. Case No.-76 Year-2018 Thana- BHAGWANGANJ District- Patna

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VIJAY YADAV @ MISTRI S/O LATE SUDESHWAR YADAV R/o village-
Indo Ke Tola, P.O and P.S.- Bhagwanganj, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Bhagawanganj P.S. Case No. 76 of 2018 registered for the
offence under Sections 304(B) of the Indian Penal Code.

The daughter of the informant is said to have been
killed by the petitioner and others on account of non-
fulfillment of demand of dowry and her dead body has been
cremated.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner happens to be father-in-law of the deceased and he has no concern with the alleged occurrence. He used to live separately from his son and the deceased. Neither the petitioner has demanded any dowry nor he has assaulted the deceased in any manner. No specific allegation of assault is attributed to the petitioner rather general and omnibus allegation has been leveled against him which is evident from the F.I.R. itself. Moreover, the co-accused, Banti Yadav and Sugia Devi have already been granted bail by a co-ordinate Bench of this Court vide order dated 12.01.2021 passed in Cr. Misc. No. 27305 of 2020. The petitioner, who is an old man, is rotting in judicial custody since 29.11.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M-1st, Class, Masaurhi in connection with Bhagawanganj P.S. Case No. 76 of 2018 with the following



conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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