

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54826 of 2021**

Arising Out of PS. Case No.-26 Year-2021 Thana- GUTHANI District- Siwan

Kamlesh Yadav @ Sahabu Son Of Ram Daras Yadav R/O Village- Tadwan,
P.S.- Guthni, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate.
For the Opposite Party/s : Ms. Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-03-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused in connection with Guthni P. S. Case No. 26 of 2021 registered for the offences punishable under Sections 304 (B), 201 and 34 of the Indian Penal Code.

The prosecution case is that the sister of the informant was married with one Surendra Yadav in the year 2010 and thereafter, the in-laws started demand of dowry and she was subjected to torture in various ways. It is further alleged that in the night of 03/04.02.2021, all the family members committed the murder of the deceased by strangulating her neck.



It has been submitted by the learned counsel for the petitioner that from bare perusal of the F.I.R, it is evident that the petitioner has been shown to be neighbour of the accused person. There is general and omnibus allegations apart from the fact that the marriage was solemnized way back in the year 2010 and as such, no case much less Section 304(B) is attracted against this petitioner. It is next submitted that the petitioner has no criminal antecedent and he is in custody since 05.02.2021 and moreover the charge-sheet has already been submitted and there is no chance of absconding of the petitioner.

On the other hand, learned A.P.P. for the State opposes this bail application but does not controvert the fact that the petitioner is neighbour and the marriage was solemnized in the year 2010.

Considering the fact that the petitioner is a neighbour and is in jail since 05.02.2021, let this petitioner, above named, 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 Chief Judicial Magistrate, Siwan in connection with Guthni P. S. Case No. 26 of 2021, subject to the following conditions:

(a) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without cogent reason, his bail bonds shall be cancelled by the Court below.

(b) 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.

(Harish Kumar, J)

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