

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58268 of 2021

Arising Out of PS. Case No.-94 Year-2021 Thana- MANJHAGARH District- Gopalganj

Rajesh Yadav S/O Late Raghaw Yadav Resident Of Village- Dharamparsa,
Ahirolia, P.S.- Majhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Adv
For the Opposite Party/s : Mr. Md. Mushtaque Alam App

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 26-09-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Anil Kumar Chaudhary, learned counsel
for the petitioner as well as learned Additional Public Prosecutor
for the State.

Petitioner seeks bail in a case registered in connection
with Majhagarh P.S.Case No. 945 of 2021 for the offences
punishable under Sections 304(B)/34 of the Indian Penal Code.

The prosecution case is based on a written report filed
by the informant alleging therein that the marriage of the sister
of the informant was solemnized with the co-accused Vinay
Kumar Yadav (husband) on 16.02.2017 however soon after the
marriage, she was subjected to torture on account of non
fulfillment of demand of dowry due to which she came to her



Maika It is also alleged that on the assurance given by all the accused family members that they will not indulged in such harassment and torture of sister, of the informant vidagari of the deceased was done in November 2020 On 23.03.2021, the deceased also informed her family members with regard to her pathetic condition and on 24.04.2021 at 5.36 hours the petitioner called the informant and informed that the deceased committed suicide.

Learned counsel for the petitioner submits that specific allegation of torture and demand of dowry has been made against the husband so far as the petitioner is concerned, he happens to be brother-in-law of the deceased, residing separately from the husband of the deceased since long and in fact from the FIR, it would be evident that it is he, who informed the informant with regard to commission of suicide of his sister upon which they came and thereafter, all the rituals have taken place in presence of all the family members of both the sides. However, on instigation made by the some persons having vested interest, the present FIR, has been instituted. He last submits that the petitioner is in custody since 19.05.2021 and moreover, the informant and other charge sheet witnesses have already examined.



On the other hand, learned counsel for the informant vehemently opposed the bail in fact it is the petitioner, who has played active role in taking away the deceased after making Vidagiri of the victim and thereafter, she was again subjected to torture at the hands of all the family members including the petitioner. He next submits that it is not a case of suicide, it is a case of strangulation which prima facie corroborated by the post mortem report, suggesting the cause of death due to strangulation. He also submits that other witnesses have also supported the prosecution case.

Regard being had to the submission made on behalf of the parties and considering the fact that the petitioner happens to be elder brother-in-law of the deceased and there is no specific allegation of torture and demand of dowry against him rather there is general and omnibus allegation against all and the husband of the deceased is already in judicial custody. Further from the FIR it would be evident that it is the petitioner, who has firstly informed the informant with regard to the incidence and the petitioner having fair antecedent is in custody since 19.05.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Gopalganj in connection with Majhagarh P.S.Case No. 94 of 2021 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 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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