

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58229 of 2021

Arising Out of PS. Case No.-172 Year-2019 Thana- MANSI District- Khagaria

Sunil Yadav @ Sunil Kumar Son of Late Nageshwar Yadav Resident of
Village - Thatha, P.S. - Mansi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Shashank Shekhar, learned counsel for the
petitioner as well as Mr. Ajay Kumar Jha, learned Additional
Public Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Mansi P. S. Case No. 172 of 2019
registered for the offences punishable under Sections 304(B)/34
of the Indian Penal Code.

The prosecution case is based on the *farbdayan* of
the informant, alleging therein that the marriage of the daughter
of the informant was solemnized with the son of the petitioner
in the year 2017 and soon thereafter, the petitioner and his son



started making demand of Rs. 1,00,000/- and a motorcycle as dowry and on account of non-fulfilment of the same, she was subjected to torture. It is further alleged that on 11.07.2021, the informant was informed that in-laws of her daughter have tried to kill her daughter due to non-fulfilment of the demand of dowry and she was taken to Sadar Hospital, Khagaria for her treatment.

Learned counsel appearing on behalf of the petitioner submitted that petitioner happens to be father-in-law of the deceased and unfortunate father of Golu Yadav, who happens to be husband of the deceased and still absconding. It is also submitted that in fact, in the family, there were only two persons including the petitioner and as such, the allegation has been levelled against both of them for demand of dowry and torture, however, prior to the alleged occurrence, no such complaint or any information in this regard has been given to anyone. It is further submitted that during the course of investigation, it has come that the petitioner and his son were daily-wagers and such, the demand of Rs. 1,00,000/- and a motorcycle appears to be absurd. Learned counsel for the petitioner draws the attention of this court towards the place of occurrence, which suggests that the alleged incidence of fire



took place, where the cooking was being done and as such, it might be a case of accidental death, though, the petitioner has been found fully burnt. It is last submitted that the petitioner is an old aged person, is in custody since 20.03.2021, having fair antecedent and moreover, the case has been committed to the court of Sessions.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against the petitioner and his son that they have burnt to death the daughter of the informant after pouring kerosene oil over her as she was found completely burnt.

Regard being had to the submissions made on behalf of the parties and considering the age of the petitioner, who happens to be father-in-law of the deceased and moreover, the specific allegation has been levelled against the husband, who is still absconding and the petitioner being the father-in-law is in custody since 20.03.2021, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Khagaria in connection with Mansi P. S. Case No. 172 of 2019, subject to the condition that



one of the bailors will be the close relative 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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